EXHIBIT A

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U.S. Department of Defense
Office of the Assistant Secretary of Defense (Public Affairs)

News Release

On the Web:
http://www.defenselink.mil/cgi-bin/dlprint.cgi?
http://www.defenselink.mil/releases/2005/nr20050426-2821.html
Media contact: +1 (703) 697-5131

Public contact:
http://www.dod.mil/faq/comment.html
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No. 400-05
IMMEDIATE RELEASE **April 26, 2005**

Detainee Transfer Announced

The Department of Defense announced today that it transferred two detainees from Guantanamo Bay, Cuba, to the control of the Belgian government. This transfer increases the number of detainees who have departed Guantanamo to 234.

The decision to transfer or release a detainee is based on many factors, including whether the detainee poses a continued threat to the United States or its allies and whether he is of further intelligence value. The decision to transfer these detainees was made after extensive discussions between the two governments

There are ongoing processes to review the status of detainees. A determination about the continued detention or transfer of a detainee is based on the best information and evidence available at the time. The circumstances in which detainees are apprehended can be ambiguous, and many of the detainees are highly skilled in concealing the truth.

During the course of the war on terrorism, the department expects that there will be other transfers or releases of detainees. Because of operational and security considerations, no further details can be provided.

Prior to this transfer, 232 detainees had departed Guantanamo - 167 for release, and 65 transferred to the control of other governments (29 to Pakistan, five to Morocco, seven to France, seven to Russia, four to Saudi Arabia, one to Spain, one to Sweden, one to Kuwait, one to Australia and nine to Great Britain). Two hundred and thirty four detainees have now departed Guantanamo. There are approximately 520 detainees currently at Guantanamo.

http://www.defenselink.mil/releases/2005/nr20050426-2821.html

EXHIBIT B

THE PENTAGON
WASHINGTON

United States Department of Defense

News Release

On the web: http://www.defenselink.mil/cgi-bin/dlprint.cgi?
http://www.defenselink.mil/releases/2004/nr20040707-0992.html
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IMMEDIATE RELEASE

No. 651-04
July 7, 2004

COMBATANT STATUS REVIEW TRIBUNAL ORDER ISSUED

The Department of Defense announced today the formation of the Combatant Status Review Tribunal for detainees held at Guantanamo Bay, Cuba. This tribunal will serve as a forum for detainees to contest their status as enemy combatants.

Detainees held at Guantanamo Bay will be notified within 10 days of their opportunity to contest their enemy combatant status under this process. The tribunal process will start as soon as possible. Detainees will also be notified of their right to seek a writ of habeas corpus in the courts of the United States. Habeas corpus is a writ ordering a person in custody to be brought before a court.

An individual tribunal will be comprised of three neutral officers, none of whom were involved with the detainee. One of the tribunal members will be a judge advocate and the senior ranking officer will serve as the president of the tribunal.

Each detainee will be assigned a military officer as a personal representative. That officer will assist the detainee in preparing for a tribunal hearing. Detainees will have the right to testify before the tribunal, call witnesses and introduce any other evidence. Following the hearing of testimony and other evidence, the tribunal will determine in a closed-door session whether the detainee is properly held as an enemy combatant. Any detainee who is determined not to be an enemy combatant will be transferred to their country of citizenship or other disposition consistent with domestic and international obligations and U.S. foreign policy.

This tribunal does not replace the administrative review procedure announced earlier this year.

The order establishing the tribunals and a DoD Fact Sheet are available at:
http://www.defenselink.mil/news/Jul2004/d20040707review.pdf
http://www.defenselink.mil/news/Jul2004/d20040707factsheet.pdf

http://www.defenselink.mil/releases/2004/nr20040707-0992.html

EXHIBIT C

Testimony
United States Senate Committee on the Judiciary
Detainees
June 15, 2005

Rear Admiral James M. McGarrah
Director of Administrative Review of the Detention of Enemy Combatants , Department of the navy

Mr. Chairman and members of the committee, I appreciate the opportunity to appear before you today.

In May of last year, Deputy Secretary of Defense Paul Wolfowitz named Secretary of the Navy Gordon England the Designated Civilian Official (DCO) to supervise the process to review annually the cases of all detainees held under DoD control at the U.S. Naval Base, Guantanamo Bay, Cuba. Secretary England appointed me as the Director of the Office for the Administrative Review of the Detention of Enemy Combatants, the organization charged with carrying out the review process. We solicited input from the International Committee of the Red Cross, from non-governmental organizations, and from the Ambassadors of countries with detainees at Guantanamo Bay, and then worked across all U. S. Government agencies to develop a rigorous and fair review process called the Administrative Review Board (ARB). The purpose of the ARB process is to assess annually whether each enemy combatant at Guantanamo continues to pose a threat to the United States or its allies, or whether there are other factors that would support the need for continued detention. Based on this assessment, the ARB panel can recommend to Secretary England that individual detainees be released, continue to be detained, or be transferred with conditions to their country of nationality. Secretary England, as the DCO, is the final decision maker for this process.

While the ARB procedures were being developed last summer, the U.S. Supreme Court issued three rulings related to detained enemy combatants. Among other things, the Court in one of those cases held that federal courts have jurisdiction, under the federal habeas corpus statute, 28 U.S.C. Section 2241, to hear challenges to the legality of the detention of Guantanamo Bay detainees. In another one of those cases, a plurality of the Court cited Section 1-6 of Army Regulation 190-8 as an example of military regulations that would suffice to satisfy the due process requirements that the plurality indicated would apply to a U.S. citizen held as an enemy combatant in the United States. In light of those decisions, the Deputy Secretary of Defense established the Combatant Status Review Tribunal (CSRT) process to assess formally whether each detainee was properly detained as an enemy combatant and to permit each detainee the opportunity to contest the enemy combatant designation. The CSRT process was based on Army Regulation 190-8, which provides policy, procedures and responsibilities for the handling of prisoners of war and certain other detainees. Specifically, it outlines provisions for tribunals that exceed the requirements of tribunals that implement Article 5 of the 1949 Geneva Convention Relative to the Treatment of Prisoners of War (GPW), which requires a competent tribunal to determine the status of belligerents in cases where any doubt arises as to whether a belligerent satisfies the requirements for prisoner of war status. The CSRT is a one-time process, and provides each detainee with the following opportunities consistent with Army Regulation 190-8:

• The opportunity for review and consideration by a neutral decision-making panel composed of three commissioned military officers sworn to execute their duties faithfully and impartially. The tribunals make their decisions by majority vote, based on the preponderance of the evidence;
• The opportunity to attend all open portions of the proceedings;
• The opportunity to call witnesses on his behalf, if those witnesses are relevant and reasonably available;

• The opportunity to question witnesses called by the tribunal;
• The opportunity to testify on his own behalf if he desires;
• The opportunity to receive assistance of an interpreter, when necessary; and
• The opportunity freely to decline to testify

The CSRT process also provides more process and protections than Army Regulation 190-8:

• The detainee is given the opportunity to receive assistance from a military officer to ensure he understands the process and the opportunities available, and to prepare for his hearing.
• The CSRTs contain express qualifications to ensure the independence and lack of prejudgment of the tribunal
• The CSRT Recorder is obligated to search government files for evidence suggesting the detainee is not an enemy combatant
• In advance of the hearing, the detainee is provided with an unclassified summary of the evidence supporting his enemy combatant classification
• The detainee is allowed to introduce relevant documentary evidence
• The result of every CSRT is automatically reviewed by a higher authority, who is empowered to return the record to the tribunal for further proceedings, if appropriate.

Secretary England appointed me as the Convening Authority for the CSRT process. The CSRT tribunal panels were the decision makers in this process. In my Convening Authority review, I could either approve a panel's decision or return a case for further deliberations. In less than six months, tribunal hearings were conducted on all 558 detainees under Department of Defense control at Guantanamo Bay. Of the 558 cases heard, the CSRT panels determined that 520 detainees were properly classified as enemy combatants, and that 38 detainees no longer met the criteria for designation as enemy combatants. Those found no longer to meet the criteria for enemy combatant designation were processed for release. Twenty-three have been released; the Department of Defense continues to work closely with Department of State to effect the release of the remaining fifteen detainees.

The first Administrative Review Board was conducted on December 14, 2004. The ARB process is ongoing, with the expectation that we will complete the first annual review for all eligible detainees by the end of this calendar year. The ARB process provides each eligible detainee with the following opportunities:

• The opportunity for review by a neutral decision-making panel of three commissioned military officers sworn to execute their duties faithfully and impartially. The tribunals make their assessments, in writing and by majority vote, on whether there is reason to believe the enemy combatant no longer poses a threat to the United States or its allies and any other factors bearing on the need for continued detention;
• The opportunity to attend all open portions of the proceedings;
• The opportunity to testify on his own behalf if he desires;
• The opportunity to receive assistance of an interpreter, when necessary; and
• The opportunity to receive assistance from a military officer to ensure he understands the process, and to prepare for his hearing.

Again, the intent of the ARB process is to assess annually whether each detainee continues to pose a threat to the U.S. or its allies and to recommend whether each detainee should continue to be detained, released, or transferred.

In order to accomplish this assessment, we coordinate within the Department of Defense, and with the Department of State, Department of Justice (including the FBI), Central Intelligence Agency, Department of Homeland Security, and the National Security Council staff to acquire information relevant to each detainee's situation. Additionally, unless national security concerns dictate otherwise, we coordinate through the Department of State to provide each detainee's home nation the opportunity to provide information, including the opportunity to submit information from the detainee's family.

A process like the ARB is not required by either the Geneva Convention or international law; it is discretionary on the part of the U. S. Government. There are no absolutes and this process does contain some risk to American citizens, for example, the possibility of releasing a detainee who returns to the fight against U.S. forces.

However, to do it right, the ARB and CSRT processes have required time, and have not been without their challenges. For example, the pursuit of off-island witness input for CSRT hearings was very time consuming, and we have received very little input from home countries in the ARB process. But we must do this right, because there are two sides to the fairness coin. First, fairness to the American people requires that those in detention who still pose a threat should not be released and permitted to return to terrorist activities. Second, fairness to the detainee, as well as our clear desire not to detain persons any longer than necessary, would suggest that those who no longer pose a threat to the United States or our allies be released or transferred to their own countries.

However, because of the highly unusual nature of the Global War on Terrorism, and because we do not want to detain any combatant any longer than is necessary, we have taken this unprecedented and historic action to establish a process to permit enemy combatants to be heard while a conflict is ongoing.

Mr. Chairman, thank you again for the opportunity to provide you this information. I am happy to answer any questions you or your committee members might have regarding the CSRT or ARB processes.

EXHIBIT D

United States Department of Defense.

News Transcript

On the web: http://www.defenselink.mil/cgi-bin/dlprint.cgi?
http://www.defenselink.mil/transcripts/2004/tr20040730-1064.html
Media contact: +1 (703) 697-5131
Public contact: http://www.dod.mil/faq/comment.html or +1 (703) 428-0711

Presenter: Navy Secretary Gordon England — Friday, July 30, 2004 10:58 a.m. EDT

Special Department of Defense Briefing with Navy Secretary Gordon England

SEC. ENGLAND: Good morning. I believe I know everyone here, but if not, Gordon England, Secretary of the Navy.

Here to talk about our review processes at Guantanamo. You will recall several weeks ago, perhaps a month ago, I was here the first time -- this is my fourth time -- I was here the first time to talk about the annual review process at Guantanamo. And that was a process to determine whether a detainee remains a threat to the United States and its allies in this global war on terror. This is -- that process was basically stopped, delayed after the Supreme Court decision, and then the last time we met, we talked about the tribunals that we have set up now, and those tribunals are to determine, review the status of detainees, to determine that they are indeed enemy combatants or not enemy combatants. So these are tribunals to make that determination to review those prior determinations.

Now, again by way of completeness, there's two other processes in place at Guantanamo. One is the habeas petitions, and the other is the military commissions. So, I set those aside because they're not my responsibility. The two I've mentioned are, the annual review and also the determination if they're enemy combatants. So, those two are the two I have responsibility for.

Okay, now let me tell you where we are today, because we have made significant progress in terms of our tribunal's determination that detainees are or are not enemy combatants. Last night I did sign the implementing guidance for the Combatant Status Review Tribunals, which is the formal name for the tribunals, and you should all have gotten a copy of those implementing directives. So those implementing directives are out and signed, and that means we can now begin our tribunals.

We have -- the last time we talked; we had 14 people on the ground in Guantanamo preparing for these tribunals. We currently have over 40 people in Guantanamo, and they are reviewing records, detainee records. They are meeting with detainees, and you will recall we have already notified all of the detainees. You will recall the original order. There was a 10-day window to notify all the detainees. We did accomplish that in about four or five days, notified all the detainees. We're now meeting with the detainees, preparing for these meetings, and we're getting ready to conduct the first tribunals.

Q: Are they going to be today?

SEC. ENGLAND: Pardon?

Q: Sorry to interject. Will the first ones be today?

SEC. ENGLAND: And -- and the first tribunal, Charlie, will start this afternoon. So, we will have the very first tribunals standing up this afternoon. We will begin slowly because we do want to validate our processes and procedures. As we need to, we will make changes to those procedures. The ones you have today, we'll continue to revise them to make sure they're -- as we have lessons learned, we update our procedures.

Now, over the next few weeks, we will then stand up two more tribunal teams. Again, you will recall the plan is to have three tribunal teams, and optimistically we are hoping that each team can conduct 24 tribunals a week. Again, that may not be achievable because some of these can be complex cases, but that's our hope and expectation. And our planning is to complete the tribunals, have them totally complete within 30 to 120 days. And, I say that because some of these may lag because if we need witnesses, or complication, whatever, we can have some, you know; take longer at the tail end of this process.

Our intent is still to have a small media pool. So, we will have a small media pool that can observe the tribunals, the unclassified part of the tribunals. And, we hope that we can stand it up next week. So, we do have to worry about things like security and security clearances and logistics, but hopefully literally in a matter of days -- it'll be days and not weeks -- we should have all that in place, and we'll have a media pool available. And Beci (CDR Beci Brenton) is here. Beci is here. And Beci is available to talk to you because she will be the focal point in terms of arranging the pools and making all this work. But, again, hopefully next week someone from the media pool can be there.

We're also engaged in consultations with the ICRC regarding their possible participation as observers. So, we will have both press and we are in consultation with the ICRC. And this starts now today the tribunal process, and again it will accelerate in terms of numbers over time.

Then following behind will be the annual review process. Right. Tribunals come first, determination of enemy combatants. Then we do the next board meetings, which is the annual review, and that is to determine if the detainee continues to be a threat to the United States or to our allies. So, we're working in -- and I would hope in a couple of weeks we will have that process underway. So, we will have both -- both processes going on in parallel, but the tribunals will lead -- by necessity will lead the annual review process by week, two weeks, several weeks, whatever it is we can do in terms standing up the next boards.

So that's a status of today. We have made significant progress. I'm pleased to report that today. And, hopefully next week, soon, the media will have an opportunity to actually review these tribunals in process.

So, with that I'll open it up to questions, but hopefully that's a pretty complete description of where we are. And, by the way, we'll have opportunities -- if this moves along, we will get together again to review, you know, the status of this process.
Charlie?

Q: Secretary, you said these habeas corpus petitions are not part of your purview. And yet your people are advising the -- advising these prisoners that they have the right to habeas corpus petitions. Is that not right?

SEC. ENGLAND: No, that's true. We did do that, and we accomplished that several weeks ago.

Q: In this notification of the habeas corpus, it says that these prisoners can have their, quote, personal representatives for advice or explanation. But these personal representatives are not legal people at all. In fact, the personal representatives in these hearings are not legal representatives. How do they get advice of any legal rights if these personal representatives have no legal knowledge, military law and that kind of stuff?

SEC. ENGLAND: Well, this is not a legal proceeding. This is an administrative proceeding. So, this is an administrative proceeding, fact-based administrative proceeding to determine they are or are not enemy combatants. So, this is an admini -- this is not a legal. This is not a trial. This is fact-based determination of you're an enemy combatant. Separate from that is habeas corpus review.

Q: What if they have questions of their personal representatives on the right to habeas corpus review? Is the Justice Department moving to get these people legal representation?

SEC. ENGLAND: Charlie, I'll have to refer you to the Justice Department. I am in a very narrow -- not necessarily narrow -- but in a very specific area. Two administrative reviews, annual review, and the tribunal's determination of enemy combatants. Justice Department is handling the habeas because that's a legal aspect. I'm handling the administrative side.

Q: If this tribunal would determine that a detainee is not properly classified as enemy combatant, what happens then?

SEC. ENGLAND: We will then work with the Department of State for arrangements to return that person to their home country.

Q: So they're freed immediately?

SEC. ENGLAND: They will be free. If they're not an enemy -- if the determination is made they're not enemy combatant, they will -- we'll work with State to return them to their home country.

Q: Who is getting reviewed today? Can you give any information on this case?
SEC. ENGLAND: No, I don't. And by the way, we won't be giving out names because of security issues and confidentiality issues, but -- and I don't know myself -- but, you know, there's a lot of detainees. So, as cases are put together, facts are determined, you know, we'll do it in whatever order is most convenient to do that.

Q: So, when the pool is there, they won't be able to report the person's name?

SEC. ENGLAND: No, they will not.

Q: Is it just one today, or are there several detainees going through one tribunal?

SEC. ENGLAND: We'll start today -- there will be at lease one today. I would expect there'll be one just because we need a start, and I would like to do one just to understand that, make sure it's working properly and then we'll accelerate as our experience allows.

Q: You said just now that, you know, they will be free if they are determined not to be properly held as enemy combatants, working with the State Department they shall return them to their home countries. So this -- do I understand you correctly then, this is quite different than the detainees you have already released back to their home countries, where we have been told you work with those governments to make sure that they are still either held in their domestic legal system, or somehow the country takes responsibility for them? You said, "They will be free." They are simply returned to their country?

SEC. ENGLAND: If they are not enemy combatants, they'll be free. Now, the other process, which is very similar to what you just said, is the annual review. The annual review determination has nothing to do with enemy combatants. By the time we do that, we know they are enemy combatants. Now, the question is, are they still a threat or a value to the United States. Do they get re -- do they continue to be detained? Are they returned to their country? Or are they returned to their country with conditions?

So the cases you mentioned are more in line with the annual review board than the determination of enemy combatants.

Q: And if someone is determined not to be an enemy combatant and returned to their country of origin, and, as you say, is free, what is the U.S. government going to give these people as they are set free? Do you give them any financial resources? Do you give them money? Do you give them anything?

SEC. ENGLAND: Sorry. I don't know that answer. I only -- again, we will make the determination, enemy combatants or not enemy combatants, and sorry, I can't answer beyond that. Perhaps, next time we can have someone address that question for you.

Q: How would the United States be able to guarantee any treatment -- I mean, their treatment, which if somebody went back to Saudi Arabia -- what's to prevent the Saudis from just picking this person up?

SEC. ENGLAND: That's part of the discussion we had with Department of State. So, again, we'll consult with Department of State and make sure we handle this appropriately.

Maybe the last one. I think we're about run out on our --

Q: Sir, are you going to go down for the first one and observe it?

SEC. ENGLAND: Yes, I am. Yes, I'll be there next week to personally observe, make sure we're operating. We will have quality control, checks built into this system. You'll notice if you looked at the procedures -- some of you had a chance to maybe skim through them -- they're very precise, very detailed. It's very high standards in terms of performance for our people, the methodology, documentation review. So, this is a very precise, very professional, repetitive process, and we will make sure that we maintain those standards for all the detainees and for all the tribunals and all the hearing. So we will have quality control checks built in. I'll be there next week to personally observe, and hopefully next week also the media will be there to observe.

Q: Are you allowing --

SEC. ENGLAND: Not next week. I meant, you know, maybe the following week, but we're trying to do this, again, in days and not weeks.

Q: Are you allowing any international observers, ICRC or any others?

SEC. ENGLAND: I said we were in consultation with ICRC for their potential participation.

Q: But that has not been decided yet?

SEC. ENGLAND: Well, again, it's really up to ICRC. We're in consultation with them. If they decide to participate, they can certainly participate.

Q: Mr. Secretary? Could you just remind me? I've gotten a little -- with all these three processes going on, I've gotten a little bit confused.

SEC. ENGLAND: I understand.

Q: What was the impetus for this procedure and the emphasis for the annual reviews? I mean, what made the government decide to do them? And what's the difference? Why are they separate?

SEC. ENGLAND: Well, they are different administrative processes. I mean, for clarity, again there's two different detailed procedures because there's two different decisions being made. So in one case, we're looking at the facts to determine if someone is an enemy combatant, and in the other case we're looking at the facts to determine if a detainee is still a threat to the United States or to our friends and allies, to the American people. So, they're different decisions, different set of facts, different decision processes. So, there's two different types of boards, and they operate differently. And, again they are defined in terms of the detail procedures that we've put out and provided.

Q: But why have these procedures been created? What led to these decisions?

SEC. ENGLAND: I'm not sure I can fully answer the question, but my underst -- but my understanding is that we do want to make sure that annually we review people at Guantanamo so they're not just, quote, at Guantanamo. I mean, we do want to have an annual process that we reexamine that person's threat status to the country because it could change as a function of individual circumstances, et cetera. So, we have an annual review to make sure that people are treated fairly in terms of their incarcerations at Guantanamo.

Q: Right, but I mean you could have done that two years ago. What happened to -- what led to the creation of --

SEC. ENGLAND: I don't know all the details. I just don't know all the details. I don't know all that history of determination. Okay?

Q: Have their been any --

SEC. ENGLAND: Just one more here.

Q: Have there been any guidelines released yet under which attorneys who are representing some of the detainees can travel down to Guantanamo?

SEC. ENGLAND: There's no -- there are no attorneys representing detainees for these administrative hearings. So, that would again be a habeas type discussion, and that's really Department of Justice.

Q. I just -- I was wondering, you talked a little bit about this last time, the sort of the, I don't know, the mood or the reaction of the detainees to these, you know, to the availability of these processes. I wonder if you could just kind of give us a general sense on their participation, on --

SEC. ENGLAND: I don't have any data beyond the last time I discussed this with you. We should shortly because we are now talking to detainees in terms of assisting them for these tribunal hearings. But when we notified the detainees, at that point 90-95 percent were very positive. That is, they wanted to talk about it. They wanted to understand the timing. You know, they -- we got the clear sense they wanted to participate. So that was when we were notifying them, and now we're actually working with the detainees. So, we will get a sense -- remember, detainee does not have to appear before the tribunal. That's a choice that they have. So, as we have these hearings, these tribunals, we'll obviously be accumulating more data in terms of their participation.

Thank you all very much. And, we'll be able to do this again in another week or so here.

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EXHIBIT E

United States Department of Defense.

News Transcript

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Presenter: Secretary of the Navy Gordon England Friday, July 16, 2004 11:00 a.m. EDT

SecNav Briefs on Review Tribunals

SEC. ENGLAND: Good morning. Great. Good to see you all again.

Okay. If we haven't met, I'm Gordon England, Secretary of the Navy but not here in that role, as we explained before. Rather, [I'm] here representing the Secretary of the Defense specifically on the subject of combatant status review, of the tribunal that we're setting up.

This is the third time I've met with you. The first time, we dealt with the annual review boards. Last time, about a week ago, we were just starting the tribunal process. I said I'd be back in about a week to tell you where we were, so this is a status report today of what's happened in the last week.

We will have time for some questions afterwards. I don't have a lot of time this morning, but we'll be able to handle some questions. Again, status. I know everybody wants to know about the endgame. We're not at the endgame yet. But I'll -- we'll keep doing this so you know where we are in this process. Hopefully I'll answer most of your questions as part of my comments.

First of all, last time we met, I said that we had named a convening authority, the person responsible, military person responsible. I said at that time we had named Admiral Jim McGarrah and he would be in on Monday. I want to introduce him to you today. Admiral -- so you know -- you know who the admiral is. So in the future you'll also be -- I think have a lot of interface with Admiral McGarrah because he is running the process. So he's available and, in fact, he may be the one talking to you periodically in the future instead of myself.

Again, limit it to this responsibility today.

Last week I said that we had 10 days to notify every detainee. That was part of the order, as you'll recall. So we have now notified every detainee at Guantanamo, and they have been notified of their opportunity to contest their status as an enemy combatant. So they have got that notification. It has also been notified that they will be assigned, if they wish, to have a personal representative who can assist them in the tribunal hearing. They have also been notified that they can seek review of their detention in the U.S. courts. So we've notified all of the detainees at Guantanamo. That was either done individually or in groups, and we had all the appropriate interpreters. And so they were physically given a piece of paper outlining all this, and if they could not read we had someone there who would orally state their rights.

I will tell you a little bit of the feedback, and that is about 90 or 95 percent responded positively; that is, most of the people who received this information listened, read and asked questions. And their most commonly asked questions were: When can I meet with my personal representative, and when will the tribunal process begin? About 5 percent of the people responded negatively; that is, crumbled up the notice and threw it on the floor, whatever. But most of the people responded positively and were anxious to get this process under way.

This morning, Friday, we have about 14 people on the ground and we'll have more people heading down next week. So we have 14 people on site now, and they are undergoing familiarization, just understanding the area and areas to be used, and the security, et cetera; how the process will go on. And that will be going on for the next couple of days. So our people are getting familiar with the area, how it's going to operate. And that will go on for a few more days next week.

We should have personal representatives -- our plan is -- starting to meet with detainees next week. So the first contact between personal representatives and detainees will be taking place next week.

Our plan is late next week, or early the following week, we will have the first tribunal hearing. So the very first hearing should be this coming week, based on our personal representatives meeting with the detainees this week. So early next week or -- pardon me, late next week, early the following week we should have the first tribunal. That's our plan today, unless we run into unexpected problems.

We're still on the plan that we discussed last week; that is there will be three tribunal teams, and they will each operate in parallel, concurrently. And each team, we are still hopeful -- again, optimistic number -- that we can do 24 tribunals a week with each team for a maximum of 72. That will be when we get up to speed, everything running smoothly. And again, since we haven't had our first one, I say that's our hope, that's our expectation, I don't know if we can meet that rate, but we will try to meet that rate. Whatever rate, we're confident that we will finish this, on the outside, three to four months.

Keep in mind that some of these hearings could take longer. As we discussed last week, it depends on a person -- you know, if they want a witness or if they want an affidavit from their country or -- so in some cases it could just be a more lengthy process than other cases. But again, three to four months should have it complete, and we'll start late next week, beginning of the following week.

The question came up last time: Are they going to be open? And so our plan is to have open hearings. We will have -- we'll have a small media pool, again looking at physical facilities in doing this, but probably about three people. We'll have the media, all of you, work that out with our media people exactly how that all works. Again, people have to get clearances, et cetera, to be there. But we will work that out. Our media people will work that out. And they will be able to observe the tribunals.

And hopefully that -- that won't be in place right away, but it will be in place, hopefully, here in a couple of weeks. So we have somewhat -- going on under 600 people there. You know, media should be there for the vast majority, if they care to be there.

The one thing I did not accomplish that I told you I would -- I thought that earlier this week we would have the written procedures. As you will recall, for the other process, right, the annual review process, we had very detailed procedures, which we handed -- we handed you now, I guess, a month or so ago, so everyone would have the details of how -- the annual review, and indicated we were preparing very detailed procedures for the tribunals. We're still working them. We're still coordinating and getting agreements. So we're probably at the 95, 98 percent point on those or on that document, but we're not quite there.

Hopefully we'll be there today or Monday, but as soon as we get the detailed procedures, we'll make those available to you, just like we did the prior procedures. So again, this is going to be very open. We're just not quite there yet, but we're close. So give us another day or two.

And keep in mind the procedures you get, like the ones for the annual review, will be revision zero. As we learn and as we get inputs, we'll continue to modify them, but we'll also continue to make them available, so everybody knows the process.

So that's where we are. Status report -- we're getting closer every day to actually doing the tribunals. And we're moving along the timeline that we anticipated, with the one hiccup with our procedures, but they're getting close. And hopefully we'll have them for you shortly.

Okay. (We have the first hand up?).

Q: Have you determined how many personal representatives there will be and how many clients they will have? And can you tell us how you can anticipate that these early tribunals especially will be fair to the prisoners, because they're happening on such a short timeline that they -- you know, they won't have a chance to get affidavits or witnesses there.

SEC. ENGLAND: Well, but if they want affidavits or witnesses, I mean, they won't be first. So people who feel like they can -- I mean, a date is available and they're ready for a hearing and they're anxious to do it, and so obviously we'll do those. If it's going to be lengthy, we'll just schedule those folks later. So I don't believe that will be an issue.

The first question, how many, we'll have to work through and see. We're going to have enough personal representatives to get this all started and get a feel for, you know, how long it takes and the complexity, but it's going to be different because some detainees will require more attention than others, in language, et cetera. So we'll have as many as it takes, let me answer it that way. Whatever it takes, we will staff accordingly to maintain, try to get to our rate of 72 each week. So, however many people we need to bring into this command, we will do that to meet that objective.

And we'll learn as we go. Again, we haven't had the first one yet. A lot of it's just planning.

Yes, sir?

Q: Sir, what you're saying is the first of these hearings will be closed, and then at some point you're going to be opening them up.

SEC. ENGLAND: Well, we will open them as soon as we can. I mean, they're really not closed. It's just physically a matter of getting a pool together, getting clearances. And frankly, we would also like to sort of go through a process and understand -- make sure it's orderly and everything is in place, because this is a whole new approach for everybody. I mean, there are security issues and all that. So we just want to get the process and procedure in place.

So again, we may go through, you know, a week or something of getting this in place while the pool is getting clearances and all that. But as soon as we can do it, I mean, we'll do it. The intent is to do this as soon as possible. There are almost 600, so I mean, you know, you'll have the opportunity to be there for just about all of them.

Q: Can I also ask -- last week we asked you about what action the government is taking to ensure that the detainees have access to lawyers in order to go into U.S. courts to challenge their detention. Are you able to give us some details on that now?

SEC. ENGLAND: No, I can't because that's really not my -- that's really Justice Department. And Justice Department handles that aspect of it. That's the court system. So we'll do whatever we can to assist the Justice Department to whatever extent we can at Guantanamo, but that's really Justice Department handling that aspect of it. And while they're working that aspect, we're moving along with the tribunals, which is really my responsibility.

Q: Mr. Secretary, you don't have all the procedures done yet, as you told us. But could you give us some idea of how things will go, in these terms: A detainee comes before this tribunal, and presumably the detainee who does so is -- to protest his innocence, and say I'm not an unlawful combatant, and I didn't do such and such. Is the detainee confronted with accusations, charges, the intelligence that may show otherwise for him to answer? Or is it just a matter of the detainee and his representative representing his case. Can you give us some sense of how things play out?

SEC. ENGLAND: Yes, I can. Thank you. I can give you a sense for that.

We will have ahead of time -- before the tribunal the personal representative will give an unclassified statement to the detainee so that the detainee understands, on an unclassified basis, why it is he's being held as an enemy combatant. So unclassified data will be made available to the detainee, not classified data. And then the personal representative will work with the detainee for any information the detainee wants to bring forward. We'll make sure that that is brought forward -- again, with the right interpreters, et cetera -- to make that information available to the tribunal. So whatever information the detainee wants to bring forward, and the detainee will also know, in an unclassified sense, why he's being held.

Q: Is there -- in that sense, sir, the detainee learns this unclassified information, is able to respond and make his defense with the help of his representative. Is there any party in this proceeding that represents the other side that says, no, we dispute that? I mean, is there someone who fills a quasi role above prosecutor or the government --

SEC. ENGLAND: There is --

Q: -- opposing the detainees protestations of innocence?

SEC. ENGLAND: I'm not sure it's "opposing." I mean, the whole objective is to bring forth all the data. So this is a fact-based determination. It's administrative. This is an administrative procedure -- bring data together. So there will be a person -- brings together data, government data, information that we know in the federal government about the detainee. So all the data comes together before the tribunal.

So again, fact-based -- this isn't guilt or innocence. This is look at facts -- here's a person: are they, are they not an enemy combatant?

Q: Is it the case -- it's 15 -- is it? -- the number who have formally been charged? And what --

SEC. ENGLAND: Formally? I'm sorry --

STAFF: That's the military commissions.

Q: Oh, right. Okay. And what happens -- where will the people that are convicted be detained? Are they going -- they're not going to be detained on Guantanamo, or are they?

SEC. ENGLAND: I guess I don't understand that --

STAFF: He's addressing the military commissions -- the separate charges --

SEC. ENGLAND: Separate -- military commissions. This is again -- this is -- what we're doing -- these are hearings, strictly tribunals, to determine if a person is an enemy combatant. So this is not -- don't confuse this with the --

Q: Okay, I see. Sorry -- (off mike).

SEC. ENGLAND: Okay. Yes, sir.

Q: You said 95 percent had responded positively and said they wanted to meet with their personal representatives and appear at the tribunals. Could you say how many might have expressed a wish to have a court appearance? To exercise that right? Was that raised?

SEC. ENGLAND: I don't know. I mean, I don't know what that number was or if anybody raised that. The only data I have is that people said yes, they would like to -- they would like to have a personal representative, and when would this process start. So it -- but it was --

Q: Do you know if any of them said --

SEC. ENGLAND: Pardon?

Q: Do you know if any of them said that they --

SEC. ENGLAND: No, I don't.

How about in the back here?

Q: How do you expect to have a fair trial if some of the information that you'll be using against the detainees would be classified? How will they deal with the response of that classified --

SEC. ENGLAND: Well, it's not a trial, it's an administrative process, again, it's to look at facts. This isn't a trial, this is looking at facts. This is -- a tribunal makes this decision based on facts. The detainee can also provide facts if they have facts to help in this determination. So this is fact-based. Detainee can provide whatever facts they can provide. So fact based -- look at all the facts, weigh the facts; reasonable person, based on the preponderance of the data available.

Q: Mr. Secretary, what is the practice by which information is considered classified?

SEC. ENGLAND: I'm sorry, I can't hear you.

Q: What is the criteria by which the information is classified? Is an informer's testimony classified? What is the criteria that is being used for what's classified and what's not in these files?

SEC. ENGLAND: I would expect it goes by our standard classification. I haven't looked at any of the files, as I indicated last week. But, you know, we have in the federal government various criteria for classified information, what's unclassified, different levels of classification, whatever's been applied, I mean, we'll take that data. It's already in certain jackets, it's already designated in terms of classification. And that's already standard procedures across Department of Defense in terms of how you classify data, so I don't believe there's anything unique about this.

Q: If the person is determined by the tribunal not to be an enemy combatant, what happens to them?

SEC. ENGLAND: They go home.

Q: Is the government admitting any culpability, liability, if -- in determining this person is not an enemy combatant who's been held for some amount of time?

SEC. ENGLAND: You're asking the wrong person. Again, I have -- my job is to make this determination, set out the process. So, I guess we'll see -- depending on what the outcome is, I guess people would look at whatever their remedies are. But that's -- mine is to determine enemy combatant or not.

Q: Last quick question. Is the idea that this will be decided immediately at the time of the tribunal? Are they going to come back and make a number of -- you know, a large number of determinations at once, are they going to do each individual case?

SEC. ENGLAND: No, I believe they'll do this individually, case by case.

Q: If a detainee provides incriminating information to his personal representative or a translator, is there any requirement that the representative, the translator provide that information to the court?

SEC. ENGLAND: What do you mean to the court? To the --

Q: Or excuse me, the tribunal.

SEC. ENGLAND: Yes. I mean, if the person says here's the information about me -- I mean, again, it's a fact-based determination, so a detainee can provide whatever facts he cares to or not care to. But whatever data he makes available is available, it's a fact-based determination. So hopefully he makes fair statements to the tribunal and the best decision is made.

Q: If the detainee tells his personal representative, say, "Yeah, I made a car bomb," what is the representative's -- do they have any obligation with that information?

SEC. ENGLAND: Sure, they'll -- I mean, if that's the information that's available, it will go to the tribunal. I mean, the purpose of the tribunal is look at available data and make a fact-based determination. So whatever the facts of the case are, I mean, it's pretty straightforward.

Q: So we shouldn't presume any parallels to attorney-client privilege in a civilian setting?

SEC. ENGLAND: No. No. Again, all data comes forward to be determined. It's an administrative hearing. Get all the very best data you can from each of the detainees, make the best decision you can based on all the data available.

Q: Are the prisoners aware of that?

SEC. ENGLAND: Yes.

Q: Have any detainees at --

SEC. ENGLAND: They will be. I mean, when they work with their personal -- I don't know if they are yet, but they will be. So --

Q: When they work with their personal representative --

SEC. ENGLAND: Sure.

Q: -- they'll know that that person is not their advocate? (Chuckles.)

SEC. ENGLAND: No, absolutely.

Q: Okay.

SEC. ENGLAND: No, it's not their advocate; it's merely to bring data forward.

Q: Are those conversations going to be monitored?

SEC. ENGLAND: Pardon me. Pardon, right here?

Q: Have any detainees at Guantanamo been excluded from this process? And I ask because there was that report about a week about of some sort of an agreement to keep some detainees at Guantanamo or who are at Guantanamo off the rolls.

SEC. ENGLAND: I know of no one who's excluded from the process.

(Off Mike): We have time for about one or two more before we quit.

SEC. ENGLAND: Yeah. I would say we're just about finished.

Yeah?

Q: In your opinion, sir, how does this tribunal system satisfy the Supreme Court ruling?

SEC. ENGLAND: Well, I don't know if it does or not. Again, you're getting in an area that's not my determination. As I said before, we will do the tribunals. They will be fair. They will be open. They'll be fact-based. I mean, what we will do is come to the very best decision that we can do, and we'll do that -- first criteria is to do it fairly and accurately and document it and make sure we have qualified people. And the second criteria is to do it as quickly as we can because it is important, obviously, to the people being detained. So our -- but that's our criteria, right? Make sure we do it fairly, accurately, document it, do it as openly as we possibly can and also do it quickly.

Maybe one more, somebody I haven't answered. Yes, sir?

Q: The 5 or 10 percent who balked, the detainees who balked, what's going to happen to them? Will they be provided a representative anyway, or --

SEC. ENGLAND: Well, they have the right to a representative. So we make it available, but they do not have to have a representative. So if they care not to, they don't have to appear. It's up to the detainee. They have the right to appear. They have a right to a personal representative. But they also have a right not to appear. So it's their decision, and we'll know that in each case because we will have someone working with each of the -- you know, with each of the detainees.

Okay, now, the plan is I won't get with you next week, but I will get with you early the following week. In the meantime, when we -- when the procedures are available we will get you a copy of the procedure. As they become available we'll get those to you. They'll be signed off by myself, so you will get those just as soon as we get them. And obviously that's got to happen before the first hearing, so sometime early next week you should be getting those.

We should be -- hopefully we will have the first tribunal next week and we'll be able to tell you more about it when we get back right after that. So in about a week -- a little more than week, beginning of the following week, we'll get back together and be able to give you another status report. But in the meantime, whatever data happens, is available, we will make available to you. Okay?

And I thank you very much.

Thank you.

SEC. ENGLAND: Thank you.

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EXHIBIT F

COMBATANT STATUS REVIEW TRIBUNAL SUMMARY

Convening Authority Rear Adm. James M. McGarrah reviewed the records of 19 detainee tribunals over the period (21 - 29 March 2005). McGarrah approved the decisions of the tribunals, determining that 14 of the detainees are classified as enemy combatants and 5 detainess are no longer classified as enemy combatants.

A summary of the tribunal statistics to date is provided.

Date of Report	Number of Tribunals Held	Convening Authority Final Action	Outcome	
			Enemy Combatant	Non-enemy combatant
Aug. 13, 2004	21	4	4	0
Aug. 20, 2004	9	10	10	0
Aug. 30, 2004	12	5	5	0
Sep. 3, 2004	7	10	10	0
Sep. 8, 2004	6	1	0	1
Sep. 13, 2004	6	8	8	0
Sep. 20, 2004	8	5	5	0
Sep. 27, 2004	25	10	10	0
Oct. 4, 2004	29	16	16	0
Oct. 11, 2004	32	20	20	0
Oct. 18, 2004	28	7	7	0

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Oct. 25, 2004	40	5	5	0
Nov. 1, 2004	39	3	3	0
Nov. 8, 2004	55	27	27	0
Nov. 15, 2004	45	0	0	0
Nov. 22, 2004	39	13	13	0
Nov. 29, 2004	27	17	17	0
Dec. 6, 2004	38	33	33	0
Dec. 13, 2004	23	13	13	0
Dec. 20, 2004	18	23	22	1
Jan. 3, 2005	25	2	2	0
Jan. 10, 2005	7	11	11	0
Jan. 19, 2005	11	87	86	1
Jan. 24, 2005	8	35	35	0
Feb. 3, 2005	0	28	25	3
Feb. 14, 2005	0	29	23	6
Feb. 24, 2005	0	36	30	6

Mar. 1, 2005	0	29	25	4
Mar. 14, 2005	0	32	24	8
Mar. 21, 2005	0	20	17	3
Mar. 29, 2005	0	19	14	5
Aggregate	558	558	520	38

EXHIBIT G

Tribunal President: You had a contract with the Taliban. What year was the contract to start and what year was the contract to end?

Detainee: I'm not exactly sure. I think the ending time is on my resignation papers. My contract began roughly on 20 June 1375. I was ill for a few months and after that I started working. I don't remember the resignation date. It is supposed to be on my paper. Three years after it started, that was my resignation date. So, three years after that is going to be 1378, roughly.

Tribunal President: Let me see if I understand. The ending date of the contract was 1378 but he submitted his resignation in 1375 and 1376?

Interpreter: No, that was his starting date. He started in 1375 and resigned in 1378, no month or date.

Detainee: I would like to mention that I tried to resign twice, but it wasn't accepted.

Tribunal President: Who had the authority to approve your resignation?

Detainee: It was Mullah Omar.

Tribunal President: What was his position?

Detainee: He was the Commander or a very high-ranking person in the Taliban. Very, very high ranking.

Tribunal President: A Commander in the Taliban military?

Detainee: He was just like the King of Afghanistan. He was not part of the Taliban. He was a high-ranking, powerful man.

Tribunal President: But he was not part of the Taliban?

Detainee: Yes. He was part of the Taliban.

Tribunal President: Was he part of the Taliban military?

Detainee: He was like a King; all of the military was under him.

For the Record, the Tribunal President received a translated copy of detainee's request for copies of his resignation documents (Exhibit D-C). The Tribunal President asked the Personal Representative if he had conveyed the Tribunal President's decision (page 2 of Exhibit D-A) to the Detainee that the requested documents were not relevant. The Personnel Representative stated the decision had been conveyed to the Detainee.

I do not know what a NGO is. I was with the Office of Dawa Guidance (IRSHAD). I knew this group from the fighting in Afghanistan against the Russians. This group has connections with the Pakistan government. They give aid to many people. I do not know anything about the organization assisting people to get into Afghanistan, nor was I helping Arabs get into Afghanistan

When I arrived in Pakistan this Pakistani group gave me information about Afghanistan and what was really happening there. After I heard this, I became hesitant to defend Afghanistan, because I was going to Afghanistan defend Islam. The more I heard what was really going on the less motivated I became and I decide not to go to Afghanistan. I could not go to the Airport and return home since the Pakistanis were looking for Arabs. So, I moved from one place to another with this group to protect myself from the Pakistani Police. I was merely a guest of this group.

3.4. Detainee was arrested in a car in the Bara area of Peshawar.

True, this happened because the standing government there at the time was capturing any Arab and giving them to the United States as terrorists.

I never had a weapon in my hands the entire time I was there.

While being here I have been treated kindly. Food and other things have been given to me. I've cooperated with the Interrogators and I have no complaints.
During the interrogations I have given all the details about my case. I believe this information will help me be released. I have told the Interrogators I have no hate against the United States and I do not plan to do anything against the United States.

I'm just a Muslim man wanting to live my life and follow my religion.

The written statement was then entered in to evidence as exhibit D-B. The personal Representative asked the Detainee to explain the principle of jihad.

It's like praying and fasting. The main reason for jihad is that non-Muslims were taking things from Muslims and the Quoran teaches me to defend Muslims.

The detainee refused to answer the questions of the Tribunal. The Tribunal President explained that the questions that would be asked would be only to clarify the information that was presented in the Unclassified Summary. The Personal Representative called for a short recess to discuss the situation with the Detainees.

Following the recess, the Detainee agreed to answer the questions posed by the Tribunal.

Summarized Sworn Detainee Statement

The Tribunal President read the hearing instructions to the detainee. The detainee confirmed that he understood the process and had no questions.

The Recorder presented Exhibits R-1 through R-2 into evidence and gave a brief description of the contents of the Unclassified Summary of Evidence (Exhibit R-1).

The Recorder confirmed that he had no further unclassified evidence or witnesses and requested a closed Tribunal session to present classified evidence.

The Detainee was unable to speak. The Muslim oath was written out and signed by the Detainee.

Detainee Written Statement: All of these written papers that I have given to my Personal Representative show my innocence and that I'm a poor person. I swear that everything that is written there is the truth.

The written and signed Muslim oath is submitted into evidence as D-c.

The Personal Representative read and submitted the detainee response to the accusations into evidence as D-b. The allegations appear in italics, below.

3.a. The detainee is a member of and supported the Taliban.

Detainee Written Statement: I am for King Zahir my father and grandfather lived as Khans. I did not help the Taliban at all. During the last few nights I was cursing at them and screaming loudly that Americans are very nice people. They are rebuilding my country and are working for Afghanistan. I was telling the Imam of our mosque that I am George Bush's soldier. I have never helped any Talib and neither would I now. I had a piece of paper (letter) and it belonged to [redacted] I took it from him because I was learning how to write from him. That letter is not mine. Also there were some written holy blessings captured with me and two notebooks. One was written about food (a list of food) and one was about gas for cars. (The italic below was put in to explain the above statement about the food and cars). *This was a list of food that was written in the notebook that he had purchased bread from a bakery. This second notebook contained a list of gas for district autos that was being operated by the new government.* I did not even once try to seek work with the Taliban. I was caught by U.S. force in Kajaki district. I have not seen [redacted]. Americans are my witnesses that I am not an enemy combatant. That would be wrong if I am considered an enemy combatant. These are wrong accusations. Among all these statements none of them have anything to do with me; they are worthless. It is not actually true that I was captured in Klianjki. I was reported or introduced to Americans as Talib by [redacted] and [redacted] at the Kajaki district by empty accusations and nonsense lies. These questions and allegations that you make against me are worthless and are lies. Also these other five accusations against me are all lies and I do not except even one of them.

ISN# [redacted]
Enclosure (4)
Page 1 of 3

Detainee: The five people who were with me were training; they were the same as I. They came from overseas to train. They did not belong to the Taliban.

Tribunal Member: In the time from Kabul until you turned yourself in, in Pakistan, did you ever participate in any fighting?

Detainee: No.

Tribunal Member: Did any of the people you were traveling with participate in any fighting?

Detainee: The only person who had a weapon on him was the trainer. He did not fight. He was just carrying a weapon.

Tribunal Member: How did you turn yourself in to the Pakistanis?

Detainee: When the bombing started in Tora Bora, it was extensive bombing overnight, a lot of people died. I did not know what to do. The best thing I could think of at the time was to run for my life. After I started walking, headed towards the snow mountains, I met some people who were also running away. I asked them where they were going. They said they were going to Pakistan. I asked them can they guide me or help me to get to Pakistan. When I reached the border of Pakistan, I turned myself in.

Tribunal Member: Did you ever associate or travel with any Taliban soldiers?

Detainee: There were no Taliban soldiers. They were just regular people.

The Tribunal had no further questions for the detainee, and the Tribunal President asked the detainee if he had any further evidence to present. The detainee had no further evidence. A brief discussion followed with the detainee regarding how the classified session would be conducted and the Administrative Review Board process. That concluded the statement of the detainee.

The Personal Representative then offered into evidence Exhibit D-b, which the detainee had earlier asked his Personal Representative to introduce. Because the detainee did not know what the exhibit was, he asked the Tribunal President whether the evidence offered by the Personal Representative was against him or on his behalf. The Tribunal President responded that the exhibit was a summary of his polygraph examination, and the detainee indicated, "Okay. That concluded the detainee's presentation of evidence.

would've done anything that would be related to security, that witness would've known about it. With all respect, I'm asking my Personal Representative to provide the tribunal with the statement.

Tribunal President: Very well, at this time, if the Personal Representative if you have any other evidence for the detainee, or on behalf of the detainee you may present it now.

The Personal Representative enters Exhibit D-b, statement of detainee [redacted]

Detainee: That's fine.

Personal Representative: I do have further exhibits.

Tribunal President: We are ready to receive those additional exhibits.

The Personal Representative enters Exhibit D-c, Internet article concerning the elections in Afghanistan in 2002 pertaining to the detainee's timeline. Also entered at this time is Exhibit D-e, letters from Detainee's family.

Tribunal President: Very well, thank you. Now, for the record, I acknowledge the receipt of Exhibits D-a through D-e, submitted on behalf of the detainee. In reference in Exhibit to D-e, the letters that the detainee made reference to. At this time, if he would still like to he can identify excerpts from those family letters.

Detainee: The first letter is from my brother that I introduced as a witness from [redacted] After saying hello and stuff like that, he's writing that the only problem that we have is that you are far away from us. He is reading something from Koran there, that means, the jest, that you're away from us, that's the only problem. The meaning of that is that after every tough time, there will come an easy time. Since you were detained, without any reason, just because somebody said something about you, god will make it easy for you later. Then, my brother wrote things about my family and some information and the end he's writing this. My brother, I know that you have great patience. That brother is actually my older brother. That is why my older brother is writing to me to be patient and I know that you are a very patient man. Have faith, and I have faith that since you are innocent, with the help of Allah, you will be released. This is a letter from my older brother, and I thought these two parts were important to tell you.

This is a letter from my [redacted]. The one, [redacted](ph), as I mentioned earlier, he was with me in [redacted] he went with me to Hajj, he came back, he was captured and arrested with me then he was released and he went back to [redacted] and brought his family back to Afghanistan. This letter, he wrote this letter while he was [redacted] I have some other letters from him that he wrote from Afghanistan. We didn't have many worries about you, because you are in a place where there is no cruelty when there is no pressure on you, and there is justice for you. I'm certain that they will treat you according to the law and according to the justice. Since I know that you are innocent, I'm one hundred percent sure that they are going to release you and I'll have the chance to see you again. It's a with no informational value? Needed important information doesn't come from a simple employee because a simple employee only knows how to do his job.

I ask of you, finally, to call upon your moral consciousness and the oath that you promised to bring justice which is known about you, and I assure you that I did not and don't pose a threat to the United States government, and I have no enmity towards them and I never was with any organization or any group that was planning to disarray the U.S government. Rather, I give you all my respect and appreciation for your good treatment of the prisoners and for providing everything we need when we are in Cuba. I hope those words will find its course to the officials and I am not telling you this out of fear or greed. And I thank you very much.

Tribunal President: Does that conclude your statement or is there anything else you would like to add?

Detainee: There's a point I forgot to mention. According to my information, the WAMY, no, the LDI did not support terrorists. They were supporting refugees when I was working for them.

Tribunal President: At this point, I usually like to say that the only piece of information we've seen on you to this point is the unclassified summary. Would you be open to us asking questions of you?

Detainee: I'm ready.

Tribunal President: Personal Representative, do you have questions for the detainee?

Personal Representative: No Ma'am, however, I would like to provide the tribunal the detainee's written statement translated as Exhibit D-b.

Tribunal President: Let the record show I have in possession, Exhibit D-b.

The Personal Representative and the Recorder had no further questions.

Tribunal Members' questions

Q. Sir, you testified that Islam forbids assaulting others without a reason. What would be a reason to assault somebody?
A. Only the killer would be killed in Islam. But an innocent person would not be killed.

Q. You alluded to it as well, what your job was for WAMY, but, what specifically did you do?
A. Administration in the hospital. This is before September 2000. And after September I know there was something happened to Afghanistan so as I foreigner, I was a afraid for my life so I left and I was working in Pakistan with the charity, helping with the refugees there, because there were a lot of refugees there.

EXHIBIT H

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Summarized Detainee Sworn Statement

The Tribunal President read the Hearing Instructions to the Detainee. The Detainee confirmed that he understood the process and had no questions.

The Personal Representative presented the Detainee Election Form (Exhibit D-A) to the Tribunal.

The Recorder presented the Unclassified Summary of Evidence (Exhibit R-1) and Exhibit R-2 into evidence. The Recorder gave a brief description of the contents of the Unclassified Summary of Evidence (Exhibit R-1).

The Recorder confirmed that he had no further unclassified evidence or witnesses and requested a closed Tribunal session to present classified evidence.

Tribunal President: At this point in the Tribunal, I will address your request for witnesses. Your Personal Representative had previously informed me that you requested the following witnesses: The first witness was identified as [redacted] your [redacted]. Also [redacted] your brother. Is that correct?

Detainee: This is true.

Tribunal President: My notes show that I received this request on 3 December and I determined that these witnesses would provide relevant testimony. On the same day that I was notified, 3 December, I directed the United States government contact these individuals through the Afghanistan government. I was informed that this government was contacted on or about 9 December 2004. As of this date (the date of the hearing, 28 December 2004), the Afghanistan government has not responded to our request for assistance. I have determined that it has been a reasonable amount of time for the (foreign) government to respond. Without the cooperation of that government, we are unable to contact the witnesses to obtain your requested testimony. I make the ruling that I am forced to find these witnesses not reasonably available at this time. However, if the Afghanistan government does contact us, we will reconsider their testimony and possibility reconvene at a later date. Does that address your witnesses?

Detainee: I guess you guys just couldn't find them.

Tribunal President: More specifically, we rely on our government to contact your government to locate Afghan citizens. It is not appropriate for the United States government to contact your witnesses directly because they are citizens of another country.

Detainee: Yes that is correct.

Tribunal President: Again, just a reminder that if we do receive any information from the Afghanistan government regarding your witness, I will consider those at a later time.

Detainee: Correct.

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Tribunal President: I will ask the Personal Representative to remind the Tribunal to inquire on what testimony the Detainee expected from these witnesses. That can be addressed at a later time in the Tribunal.

Detainee: That is correct.

Tribunal President: [redacted] you may now present any evidence you have to this Tribunal. Your Personal Representative may assist you if you wish. I understand from the Detainee Election Form provided to me earlier that you wish to make an oral statement, is that correct?

Detainee: I have provided a statement. I can add further information to that statement a little bit, in case you still have any questions about my explanation; I can elaborate further on the situation.

Tribunal President: I understand. Before we continue further I'd like to ask if you would like to make your statement under oath?

Detainee: Yes, if there is a need for it I will. If you don't have a need for it, I won't.

Tribunal President: The decision regarding taking the oath is yours. It is your choice if you'd like to make your statement under oath or not under oath. We have a prepared Muslim oath if you would like to use that.

Detainee: Yes, in the name of Allah, the beneficent, the merciful, the compassionate, I will say everything that is true and nothing but the truth.

Tribunal President: That is perfectly acceptable and we understand that you have sworn your own personal statement. Thank you.

Detainee: That is correct.

Tribunal President: You may proceed with the assistance of your Personal Representative.

Detainee: I have [written my testimony on] a piece of paper, and in addition to that, if I think of more stuff, [I will add it] according to each question. I would like to answer each question one by one if I may so I can elaborate on it.

The Tribunal President requested the translator adjust his seating position.

Detainee: Should I go one by one, or do you want to go ahead? (speaking to the Personal Representative.)

Tribunal President: Personal Representative, please assist as needed.

Personal Representative: Would you like me to read each point of evidence to you, or we have a translated copy and you can read each point and then make your response? (referring to Exhibit R-1).

Detainee: Yes, that is fine.

Personal Representative: Which one?

Detainee: Go ahead and go one by one and I will answer.

The Personal Representative read each allegation from Exhibit R-1.

3.A.1. The Detainee admitted he is a member of the Taliban.

Detainee: This is not true. It is not a fact. I have never admitted to that before. I am an educated person and I am always kind of fond of an advanced society. The people that know me in my village know about these facts and they also know the reason why there was a need for me to change my name. I did it because of my protection. All the people in my village and my friends know that I was twice forcefully taken away from my store and also from the [redacted] that I was running. My family did not know about the matter. They found out two days later. When they found out I was taken to Kandahar, I could not afford to release myself from whoever caught me, because the Taliban was in power of our government and I could not say anything to criticize them. That was their rules and I had to follow their rules and it was a forceful detention by them. This was just a brief version of what I have to say. I have a lot to say but I don't think there is a lot of room and a lot of time for me to go on and on and on. That was the brief version of what I have to say.

Tribunal President: I understand and it is very helpful for us if you could address all nine points and there will be plenty of opportunity for additional and valuable information.

Detainee: Fine.

3.A.2. The Detainee is a former [redacted]

Detainee: Yes, I do accept the accusation that I did work for [redacted] was an organization that did not have any direct ties with the government. Due to all of the threats that were facing me and my family, and when they used that forceful approach of detaining me, they had planned to send me to war to fight for them and that would have left my family with no future. When the Taliban had captured people through that forceful approach, they usually sent them to the war zone. In order to relieve myself from all these situations, I had to go and accept a position like that. I did not join the Taliban in order to help them fight anyone or anything political for that matter. Through accepting this position, I saved myself from going to war and leaving my family behind. That was the only way I could save myself. At the same time I was answering to the needs of my family.

The Tribunal paused briefly to allow the Recorder to address some external noise issues.

3.A.3. The Taliban controlled [redacted]

Detainee: I do not know about the governmental structure of [redacted] but I know that [redacted] was a civilian supported organization, civilian run. After they paid all of the expenses for the repairs and whatever related expenses, the remaining profit was distributed to the employees of [redacted] They did not have any relationship to the government's budget. That's why it was considered a self-supporting organization. All the operations of this [redacted] were operating according to the rules and [redacted] Their domestic operations or were under the Secretary of the Ministry of Transportation.

3.A.4. The Taliban used [redacted] *to transport their members.*

Detainee: I do not have this written as far as answering it but I'll talk about it. This is not a fact, actually. The Taliban did have their own operational aviation system that they were using. The fact is, there was a possibility that the Taliban had traveled through [redacted] it is possible because they could go like a civilian buying a ticket as in normal operations. They could have been passengers at any particular time. I have never heard or seen any type of situation where [redacted] was particularly or specially used for the Taliban or their operations or their needs.

3.A.5. [redacted] *provided free* [redacted] *to Konduz, Afghanistan for individuals joining the fight against the Northern Alliance.*

Detainee: That is not true. [redacted] was individually operating and was not under control of the government. They were serving the public as a whole. Since the northern part of Afghanistan was also a part of Afghanistan, people went back and forth because people had family there, after the Taliban had control of the northern part of Afghanistan. Due to family visitations, they had gone ahead and initiated [redacted] to the northern part of Afghanistan for the people who wanted to go visit. These were just weekly [redacted] that served the [redacted] families to go back and forth to the northern part of Afghanistan, the employees of [redacted] There are a lot of states and provinces located in the northern part of Afghanistan, and it has one main freeway to that direction, which was Sanlonk Freeway (ph). It connected the North to Central Afghanistan, and unfortunately that whole highway was totally blocked and transportation going back and forth was impossible. Everybody knows that the people who went to the north to fight used to all live in Peshawar, Pakistan. At the border of Torhum (ph), which is between Afghanistan and Pakistan, thousands of families were going back and forth between Afghanistan and Pakistan. When they reached Kabul from Peshawar they were taking [redacted] to the northern part of Afghanistan since that freeway was blocked. Because there was another road connecting Central Afghanistan to Northern Afghanistan through Bamian province, it was very dangerous to drive to Northern Afghanistan. Tens of cars have gotten into accidents and fallen down from the main road, and a lot of people died. So the only way to go from Central Afghanistan to Northern Afghanistan was to use [redacted] so they could take the whole family and transport from Kabul to the northern provinces. A lot of families would go back and forth between Northern and Central Afghanistan. One of the [redacted] that had flown from Kabul to reach Mazar-e-Sharif had gone to London if you remember. Maybe that is a good example, if you want to follow up on that and ask the British government when the [redacted] to see if any Taliban were there. That would prove to you a lot of facts, that there were no Taliban on any [redacted] and they were not being transported by [redacted]

3.A.6. Taliban forces utilized [redacted] from Kandahar to Kabul.

Detainee: This is not true. [redacted] had flown weekly between Kabul and Kandahar. Because Kandahar is located between Kalat (ph), Oruzgan, Herat, Nemroz, and Farah provinces, it has a central structure. Everybody knows that the road between Kabul and Kandahar is ruined. It's too difficult to travel, especially if you are with ladies and children. It would have taken somebody three days to go from Kabul to Kandahar. So families have the necessity to take a flight to go between Kabul and Kandahar. Two days expense or three days expense of a trip would have exceeded the cost of an [redacted] These people could not use military or [redacted] and that is because government [redacted] were only taking the Taliban back and forth from Kabul to Kandahar. They were going back and forth all the time and each [redacted] to take people back and forth. Capacity being [redacted] people, the Taliban did not need [redacted] to transport them from state to state.

3.A.7. An active al Qaida member and [redacted] brought in other al Qaida members to work for [redacted]

Detainee: This is the first time I have heard about such a fact. I am kind of shocked and surprised by this type of question. I did not witness that and I do not have an answer for this.

Tribunal President: I understand.

3.A.8. An individual with plans to engage in hostilities against the United States had strong ties to [redacted]

Detainee: I do not have any idea about this situation, that someone like that had actually worked for [redacted] Everybody I knew as employees were all civilian employees and I do not know of any al Qaida member that worked for [redacted] at all. For some reason, this question number eight was not included in the copy of the allegations. I have not read this question before. I could have arranged to bring more detailed information about it but I do not remember this question number eight.

3.A.9. The Detainee was arrested in January 2003 in [redacted] Afghanistan.

Detainee: I admit that I was captured in my house when I was with my family. I was detained at that time. I never realized that this would happen to me. I did not have any problem with the government. I did not have any problem with the people, and I did not have any problem with America. All of the people in my village know me and understand this fact. When Mr. Karzai's government had taken over, I was a happy man sitting in my house. A little bit of my education was left behind and was not finished and education conditions were not great while the Taliban were there. I had wished and hoped for my freedom, and that was determined to be accomplished. Obviously I was thinking that I am happily entering a happy world. I was released from the oppression of a government, the Taliban government. I came out of the darkness into the light. But unfortunately, my destiny had me into a situation; instead of treating me with fairness and equality, I was punished. I had left my job; even before the Americans came I was in my own house and in my own land. I wasn't working for anyone. That is it.

Personal Representative: That completes the summary of evidence.

Tribunal President: I'd like to review item number eight where the Detainee noted that he wasn't informed of that allegation before hand. Personal Representative, can you address that point.

Personal Representative: Yes sir, in fact it perhaps was a question that the Detainee forgot. The written statement that I will hand to the Tribunal does address question number eight.

Detainee: It's possible. I do not recall it but it's possible that I have missed it somewhere.

Tribunal President: At this time I would like to receive your written statement which I understand will be in both your native Pashtu and a translated copy for our review.

Personal Representative: If I may sir, can I just show him his response so that he knows that he answered himself.

Detainee: Then it is okay.

The Personal Representative showed a copy of the written that the Detainee had hand written to confirm that he was aware of question number 3.A.8. of Exhibit R-1.

The Personal Representative presented Exhibit D-B, the Detainee's written statement and a translated copy to the Tribunal.

The Tribunal took a short recess to review the Detainee's written statement.

Tribunal President: The Tribunal fo[redacted]s reconvened after reviewing a written statement provided by the Detainee. Just a note of clarification in the written statement. You addressed items one through eight of the unclassified summary. The ninth item was not addressed in the written but was clarified in your oral statement. Thank you. At this time, just before we open the Tribunal for questions, I'd like to review what you would have expected from your witnesses had they been able to attend.[redacted] if you would please tell the Tribunal what you had hoped these witnesses would testify today.

Detainee: Should I answer?

Tribunal President: Yes please.

Detainee: My main purpose and main hope is to gather all the information from the people that know me to say who I was and what I did and at the same time it would help you guys to clear your mind about my capture; if you have any questions about that, to put information in front of you.

Tribunal President: Is there any specific testimony you expected your father and brother to provide us?

Detainee: No.

Personal Representative: I could sir, based on our initial interview, what I got out of these discussions.

Detainee: That is fine.

Personal Representative: The expected testimony from both witnesses were similar, so what I say will basically encapsulate both. The witnesses can testify that the Detainee was conscripted by the Taliban. He was forced to work for them but was never a member. Additionally, the witnesses can testify that the Detainee pressed the Taliban for a non-military position. That concludes the specific testimony expected.

Tribunal President: Thank you. Personal Representative, do you have any questions for the Detainee?

Personal Representative: Yes sir, I have one.

Personal Representative's question

Q. While you were [redacted] did you witness or were you aware of the [redacted] hiring [redacted] out or [redacted] to private individuals or other companies?

A. I do not think that is the case because we had actually acquired help from [redacted] to help us carry [redacted] and we could not [redacted] to someone and we were short on [redacted]

Personal Representative: No further questions.

Detainee: We had a lot of [redacted] during the Hajj, but when [redacted] were not being used for the Hajj process, we had some available [redacted] in Kabul. I do remember that one time we had some sort of inquiry from the government of Bangladesh, that they needed some of our [redacted] for some type of purposes.

Tribunal President: Recorder, do you have any questions for the Detainee?

Recorder: No sir, I do not.

Tribunal President: Does the board have any questions for the Detainee?

Tribunal Members' questions

Q. When did you begin working for [redacted]
A. I'm sorry I do not remember the date. In Afghanistan it's not very common that we remember exact dates. Even my father and my mother were telling me that they did not remember when I was born.

Q. Can you give me a general date?
A. I do not remember a date again. I do remember that one of the people I knew was head of the department there at the [redacted] and he hired me as an assistant, but I do not remember exactly when it was.

Q. Was this before or after the year 2000?
A. I do not know your calendar so I don't know if it was 2000 on your calendar, because it does not coincide with our calendar.

Q. Can you provide me any help in trying to figure out when you worked for [redacted] How long after the Taliban came into effect? Any other world event, anything? How many Hajjs did you work for [redacted] through? Anything.
A. Before the Taliban I wasn't there. I was still going to school. After I had finished school the Taliban came and I had married at that time. I believe when I was an assistant, I believe the Hajj process happened probably three times, so that would make it three years. Then I became the person in charge for a whole year, so that would make it approximately four years, and there was a [redacted] that went about once every six months when I was there.

Q. You had previously stated I believe that you had stopped working at [redacted] before the United States came to Afghanistan? Is that correct?
A. When the trouble started on September 11th I had become unemployed.

Q. How much before September 11th did you become unemployed?
A. I was there when the September 11th incident happened and I quit right after that. I immediately sensed that things were not normal anymore and were now complicated. At that time when we talked about a forceful approach of the Taliban getting people hired for their purposes, they were not as severe, so I chose to quit.

Q. Did you choose to quit before the United States came to Afghanistan or after the United States came to Afghanistan?
A. Three to four days after that.

Q. September 11th and the day the United States appeared in Afghanistan were not the same day. What I want to know is did you quit between the time of September 11th and the attacks began or did you quit after the attacks began?
A. Right after September 11th, two, three, or four days after that. At that time my wife was in [redacted] and I did have children then but I did have a niece. I put them in my car and went to my home.

Q. You described that the Taliban had its own service. Could you elaborate on that just a bit?
A. I heard from other people that there was a different facility for the Taliban themselves, other than where [redacted] was serving the civilians. The Taliban had their facilities and there were gates and nobody else could go in there. I have never seen it or been there. They were known to have their own operation and their own premises and their own location.

Q. Were these military facilities and military [redacted]
A. All of the equipment for [redacted] that they had was left by previous governments. [This equipment] had been used for themselves in their operations in Afghanistan. The Taliban just took over.

Q. Did the Taliban military services have any air capabilities at all: assets, [redacted] anything? Did they have an Air force?
A. This is a very obvious situation. Yes of course they do. Everybody knows they had their own military operation and military system in the aviation department. They were not civilian but military controlled operations.

Q. Lastly, you said that this was not a government run [redacted] But, you also said that after the Taliban had conquered the north, the Taliban initiated [redacted] to the north and the Taliban used those [redacted] to move its families. Those two things don't seem to work together.
A. I was mainly mentioning that it was not Taliban but all of the families and the people who had lived there. We had [redacted] between Kabul and the northern provinces. They were not Taliban; Taliban had their own operations. They could have taken [redacted] of their own and [redacted] where they wanted. They had helicopters and everything else.

Q. I was confused about one point. Did the Taliban force you into a position at [redacted]
A. There was a forceful draft that they had initiated there and I was supposed to go ahead and do that. The draft was orchestrated such that whoever was a homeowner or had land, at least one member of their family had to be involved in their operation for three months.

Q. How did working for [redacted] get you out of the draft? I don't understand that relationship.
A. As I told you before twice, I was taken for these particular duties in my statement. I was under some severe conditions as far as my safety was concerned. I had just started a family and every other three months they were renewing the draft and that's what happened to me. Like I said before, I was totally eligible. Within their conditions, if you were a homeowner and I had a store and I had a mill, and I had some land as well, so I was totally qualified for their draft condition to go and do duties and go to war. I was in that type of situation.

Q. So by working for [redacted] that convinced the Taliban that they should not draft you. Is that correct?
A. They had said that if somebody has a civilian occupation in the government than they were exempted from the draft. Somebody who had lost their father or one of their brothers

during the Taliban government and the wars, they were exempt as well. Since my father was 85 years old and my brother was away from my house, I had checked into opportunities to find some kind of job where it would qualify me for this exemption and through some connections that I had I went and initiated this situation where I was looking for another job and ended up there.

Q. So the job you took with [redacted] to avoid the draft was a government position?
A. There was a sector of the Taliban government that was strictly engaged with military operations and there was a sector that was like [redacted] Our shopkeeper was working for the Taliban too. I was working fo[redacted] and obviously was part of the government; it was not privately owned. I was not working strictly for the Taliban for their purposes of engaging in wars with everybody else like that. There were a lot of people that worked for the Taliban and were under the control of the Taliban but they never engaged in the Taliban's operations as far their military purposes and fighting their enemies and all of that.

Q. What were your specific responsibilities in [redacted] I understand that you were a clerk. What were your responsibilities?
A. In the beginning I did not have a lot of experience and I did not know what to do, I did not know what my responsibilities were. There was a department that dealt with providing paper, pens, and accessories, all of the things that were needed in [redacted] operations, supplies and whatever they were. I was there as an assistant and I was kind of handling those processes. We had about three different departments. They all had their department heads.

Q. Did you have any responsibilities regarding employment, who worked for [redacted]
A. I did not have the power of hiring somebody myself. I did look into application forms. I did see applicants. I went through their applications and I introduced them to the higher ranks if they wanted to hire somebody.

Q. Was that in your department, regarding supplies and logistics?
A. I was involved in what I said before and at the same time we went from department to department and filled responsibilities for whoever was not there and we worked around the facility for the [redacted]

Q. After you left the [redacted] probably late September of 2001, I understand that you went home. What did you do during that time?
A. I did different things. One of the things was that my father was very sick and I took him for a trip to Pakistan. He had an operation there and was in the hospital for a month and a half. He couldn't urinate. I don't know the exact terminology for that disease or his problem. We had a house that was kind of destroyed during the war and I fixed the walls and fixed the house for the family that was another thing I did. I wanted to start my store. I was getting ready for that and I never started it but I was kind of preparing a plan for it; to get back to my store and run my store.

Q. Also, I think I heard while you were providing earlier statements that you may have chartered other [redacted] or other services to help capacity for the [redacted] Is that correct?

A. Yes, I said during the Hajj time there were a lot of wars going on, and we did not have a lot of Hajjis making the trip, but when the government was established we had a lot of people going between Kabul and Medina, Saudi Arabia so we did hire more [redacted]

Q. Other [redacted] from neighboring countries I assume?

A. It was handled by the [redacted] Usually we would get a lot of [redacted] from the Emirates.

Q. Last question is regarding [redacted] and equipment. Was every [redacted] that your company operated clearly marked as [redacted]

A. They were in the same shape, form, and look the same, all the way from King Zahir's time for the past fifty years, they were the same [redacted]

Q. Specifically, did any of the [redacted] operate that did not have a marking on their [redacted] or on the [redacted] that clearly showed as them as an [redacted] versus a military or [redacted] For example, more specifically, every [redacted] that operated on your schedule or [redacted] was clearly a [redacted]

A. Yes, all of them were strictly [redacted] You know that international [redacted] systems, when you go to a particular [redacted] they have to recognize you by your emblem or whatever the [redacted] symbol was.

Tribunal President: Thank you very much.

Detainee: Same to you.

Tribunal President: [redacted] do you have any other evidence to present to this Tribunal?

Detainee: I do not have any further evidence. My evidence I have discussed will have to be told and said by the people who know me and they are not here, so I do not have any more evidence to present right now.

The Tribunal President confirmed with the Personal Representative that he had no further evidence to present to the Tribunal. The Tribunal President explained the remainder of the Tribunal process to the Detainee and adjourned the open session.

AUTHENTICATION

I certify the material contained in this transcript is a true and accurate summary of the testimony given during the proceedings.

[redacted] Colonel, USAF
Tribunal President

[redacted]
Enclosure (3)

[redacted]_PV_Statement.doc **UNCLASSIFIED** / ~~FOUO~~

A. Because you know from my name, because for the reason of Taliban which they force people to join them. The whole people of the village know that. Before two times Taliban took me by force and took me to Qandahar. I don't have anybody at home that the Taliban can take. Because I was the only one close to my home and I had a store at the market near by. Because I also have a [redacted] and the whole people of the village knows me and the things that I have. When the third time the Taliban come to the village to protect myself I tried to find some work in the government as a civilian since I went to school. But I couldn't find a job and I call myself [redacted], because I was unable to stand up to them. I try very hard to stay away from joining them and going to war. Finally one of the people that I know in the village helped me find a job as a clerk with the government. That was the only way I could protect myself from the Taliban. Also I told my family that I had a job as a clerk, they were all happy that it was better idea to stay away from the war. You could die very easy in war. Also there are a lot of things to write about this thing and it is now possible to write it here.

1. I shall tell you that I never told you I was Taliban. Because it is true. But I can say that I finish my school and I can read and write and I got a civilian job for the reason because I have no choice. There were higher-level positions and I was only given a little authority only to read and write letters. I had no other things to do. It was the only way to leave the country and escape to another country. I talked to an interrogator so many times about this matter I don't know what they write about in my case file about this.
2. I work in the [redacted]. There was another person as a director when [redacted] lost its value there was no foreign travel only once a year to Hajj or to pilgrim, that was the only time they could travel. All domestic flights were stopped and all the foreign offices all closed. I was the director at this time but I didn't have that much competence in this position. All the employees of the airlines know that. That was the only reason I took this job was to protect myself from death. And to escape from the Taliban force was the only reason.
3. When I came to [redacted] I did not see anybody from the Taliban. Always we had contact with business and civilian's people. All the employees were senior and professional from the past. They had only business with civilians and when I meet with the employees they all told me this is the only place that management will not have a lot of changes. It will stay almost the same, and they stay neutral and away form the politics. when Taliban announces that they will control Afghanistan and announce their power in the government I didn't know about their structure of the government administration. Originally [redacted] was a part of the civilian transportation.
4. Also I should tell you that the Taliban had there own special airplanes and airport. I didn't know that the planes would take people and was unsure whether they would charge them or not. But [redacted] by the law we charter people and we charged them and they had to pay for there tickets, and they would have to buy the tickets in the office. They would

have to stand in line and wait for us to call their name. This is new to me and I heard a new thing that was not true. The Taliban would not give their money for the ticket because they had their own plane to travel with.

5. [redacted] would never use for the soldiers in the war. I never heard of it either. If this happened before I worked here I didn't know. Because I didn't see any law in the airlines because [redacted] was not insured to go into a war zone. I heard that a lot of Taliban planes were lost and destroyed in the north of the country. But I didn't see any of the [redacted] was damaged or destroyed by the war.
6. From my point of view and it is true that the Taliban planes were destroyed because the military ammunition that they carried would make them explode in the air killing everybody, but this never ever happened to an [redacted] airplane not even once. Know one ever said anything about it. [redacted] was operating under international law and was also controlled by a lot of foreign countries. Also insurance was an important thing and it was impossible for Taliban to use it for other things.
7. [redacted] has [redacted] from the king was in Afghanistan all the way till the last president [redacted] government. They trained long before under the international law in different times. This thing is not believable and also all the employees knew that. In the time of the Taliban there was no new pilots and also it was impossible to train a new pilot since they did not have the knowledge or facilities and there was no possibility.
8. At that time I was the [redacted] nobody saw or heard about this thing and also it was not my business and not up to me.

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953-PV-STATEMENT

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(A)

الف – څنګه زما د نامه څخه معلومیږي چه ما خپل نوم د خپل خاص محبوبیت
چه هغه د طالبانو جبري جلب احضار رود او دا تولو د کلي خلګو ته معلومه ده
چه زه دوه وارې عسکري هم د کوره څخه د طالبانو جلب احضار ر قوه په زور باندي
قندهار ته بوتل شوي یم ځکه ما کورته بل داسي څوک نه درلود چه طالبان
ئې جلب احضار کړي و مې څنګه چه زه د کورپه څنګ کې په منډې کې دوکان درلود
او ګرځنده چلول البته تول د وطن خلګ په ما خبر دي څو دریم وار چه کله د
طالبان د جلب احضار نوبت راورسیدی نو د خپل ځان د ساتنې او ژغورنې
لپاره مې د ملکي اداري د ماموریت کوښښ شروع څنګه چه ما مکتب ویلې و
نو زما دا هڅې نا کامه شوي حال دا چه نوم ته مې د [redacted] نوم ورواړه
څو څنګه چه زما قدرت د طالبانو په مقابل نه سو کولای چه یم خپل ځان د طالبانو
د جلب احضار څخه خلاص کړم نو دا هڅې مې شروع کړې چه د جنګ څخه په
دغه بیه بهانه خلاص یدلای شم چه زموږ د دوه وطن دار په شرط راته
خپل ځان د مامور په حیث ځای کړم نږدې نامه ځان د طالبانو د جلب
جنګ څخه خلاص کړم او کور ته مې هم وویل چه زه مامور یم اکثر کور خوشحال
شوه چه مرګ د حالت څخه دا بند دی البته خبري او دلایل خو به زما
سره د بیری څو د ته ئې ډیکل ګران دی.

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۱- باید ووایم چه ما هیڅکله دا نه دی ویلی چه زه طالب وم او دا واقعیت هم
نلري خو دا ویلای شم چه مکتب می خلاص کړي او زما د خط په واسطه دا
ملکي ماموریت د خپل مجبوریت له مخې کړې خو زما څخه فوق وزارت ته ولوړ
مربوط ریاستونه موجود وه زما سره بیله اداري خطونو څخه نور هیڅ صلاحیت
نه درلودل زما هیڅ بلی خواته لاره نه وه چه خپل ځان د افغانستان څخه بلی
خواته وباسم البته دا دلایل څو واری ما ستاسو محققینو ته خلاصه کړي
دا چه دری خپله څه تیکلی هم ما ته معلومات نشته.

۲- بلی ما [redacted] کار کړي خو تر ما د مخه یې رئیس موجود وه او کله چې
[redacted] ریاست کم شو او خارجي پروازونه ودریدل او فقط د حج دیني مراسم
الحجاج وه او داخلي پروازونه لږ تر لږه (شول) سقوط او خارجي نمایندګۍ بندې شوی
په دغه وخت کی زه رئیس وم خو البته هغه صلاحیت چه پخوا رئیس لري ما هیڅکله نه
درلودل چې بیا نو [redacted] ته لا کارکونکی حاضر دی خو زما د کار مطلب هم دا یو کار ده
چه خپل ځان د مرګ څخه او د طالبانو د جبر او ظلم څخه خلاص کړم نو زما د کار مطلب نور
سره نه وه.

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۳ـ زماه چه کله [redacted] داغلی نو ما په تیرلو کار کړو تګی کی د طالب په نامه څوک جوړ
لیدل او اکثره کاروند هم د تجارانو سره وه تیول مسلکی سابقه مامورین ئي درلودل
او د عامو خلکو سره د [redacted] سره کاروه خو چه ما هم د خلکو او مامورینو څخه پوښتنه
وه هغوی هم داوانته وویل چه دا به لوازنی ادارو وی چه د دی پروتوکولانو سره مخیل ځان
بی طرفه او د سیاسته بیری ساتلی دی خو داچه طالبانو خپل ځان د افغانستان والکر
بلل او ځان ته ئي دولت اعلان کړیوه البته هغه اداری چه ... ماته ... معلو
چه آیا دا د طالبانو د اداری لاندی راتلل که یا البته دوی معلومات لرم چه د
[redacted] پوری بخښل دی ،

۴ـ باید دا ووایم چه طالبانو خپل ځان ته خپلی خاصی طیاری درلودی او خپل ځان
[redacted] ته خاص میدان درلوداو داچه د طالبانو طیارو هغوی مفت انتقالول او د
دا قانون نه ما په یاد دی چه هر څوک چه ضرورت [redacted] ولاړه شی او ول باید پیسی تحویل
کړی او بیا [redacted] کی به نوبت واخلی دا خبره زه لوی او درم هیڅ حقیقت
نلری او طالبانو خپل د خرڅ پیسی د ځه دپاره پرتکت باندی هر خولی حال داچه دوی
خپلی د سفر خاصی طیاری درلودی ،

۵- [redacted] هیڅکله چه د جنګی نشرو پروازنه کړی او نه هم ما وریدلی
البته ما چیری زما د راتګ ار تیاته ځکه شوی وی ځکه په هغه معلومات نلرم البته هیڅ
د بسي تانون [redacted] چلات کی ما ونه لیدی ځکه چه د [redacted] د جنګی بیمه نه
درلوده او د طالبانو زما تی طیاری داوریدو لرځی په شمال کی د للاسم ورکړی او
د منځه ولاړی خو [redacted] هیڅ طیاری ما په جنګ کی زخمی وانه وریدلی ،

۶- دا خبره زما په مشاهده هیڅ امکان او واقعیت نلری ځکه چه د طالبانو په دیرو
طیارو کی هغه جنګی مواد او نظامی شیانو په ذریعه دیر طیاری په هوا کی بیکاره نوی
حادثي انفجار شوی اوس د نشرو له منځه ولاړی خو د [redacted] په چا د احادث
اوریدلی نوی ځکه چه د [redacted] اکثره په بین المللی قوانینو ولاړه وه او د
دیرو ملکونو لخوا کنترولیدل ځکه هغه بیمه خیله ضروری امروودا کا هیڅ امکان نه درلوده

۷- [redacted] خیل [redacted] درلودل چه [redacted] ځکه نیولی بیا تر [redacted]
حکومت پورې دوی ملکی روزلی وه په بین المللی معیار باندی په مختلفو وختونو کی
خو دا خبره دیره نا اشنا معلومیږی چه د هیڅ ملکی مامورینو ته نه لویږی پلی داچه
د طالبانو په وخت کی هیڅ [redacted] نوی تربیه شوی نوی او هیڅ دا امکان هم
نی نه بولم او نه هم وی ،

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۸- زما د وخت په موجودیت کی دا خوراک او داسی خبره هیڅ نه لیدلی او نه اوریدلی

[redacted] او نه هم دری سوال سره زما کوم تړاو ستم فقط

[redacted]

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Summarized Unsworn Detainee Statement

The Tribunal President read the hearing instructions to the detainee. The detainee confirmed that he understood the process and had no questions.

Tribunal President: [redacted] do you understand this process?

Detainee: Yes, I do.

Tribunal President: Could you please speak up, so we can hear you.

Detainee: I speak in Farsi, and you wouldn't understand anyways.

Tribunal President: It doesn't matter; we want to make sure that we recognize that you are answering the questions.

Detainee: That's fine.

The Recorder presented Exhibits R-1, R-2 and R-3 into evidence and gave a brief description of the contents of the Unclassified Summary of Evidence (Exhibit R-1).

The Tribunal President stated that the detainee wants to participate and that the detainee has a written statement to submit.

The Recorder confirmed that he had no further unclassified evidence or witnesses and requested a closed Tribunal session to present classified evidence.

Tribunal President: [redacted] you may now present any evidence you have to the tribunal or you may respond to any of the allegations on the unclassified summary. You have the assistance of your Personal Representative in doing so.

Detainee: I would like him to read my statement.

The Detainee did take the Muslim oath.

Tribunal President: [redacted] will the statement respond to the allegations on the unclassified summary?

Detainee: You mean, the allegations that she (the recorder) wrote, that she read?

Tribunal President: That she read, and that you were presented during your initial interview.

Detainee: These allegations are not true.

Personal Representative: May I?

Tribunal President: Yes.

Personal Representative: What I recommend we do is that I will provide the tribunal your story, as we discussed. I can read to you each allegation and you can provide a short response, true, not true, to support the facts.

Detainee: That's fine.

The Personal Representative submits the detainee's statement as exhibit D-b.

The Personal Representative read the allegations to the detainee so that he could respond to the allegations. The allegations appear in italics, below.

3.a. The detainee has supported the Taliban and al Qaida.

3.a.1. The detainee admitted that he was a member of the Islamic Movement of Uzbekistan (IMU).

Detainee: Should I answer now? I never admitted to this, I have never been part of this.

3.a.2. The IMU appears in the United States Department of Homeland Security, "Terrorist Organization Reference Guide."

Detainee: Should I answer? [redacted] and I've been fighting against this IMU and these Islamic terrorist organizations. I agree that the IMU is a terrorist organization, but I have nothing to do with them. [redacted] I have been fighting against these groups. I took the oath and I swear it, that I will fight these groups, [redacted]

3.a.3. The detainee admitted to attending IMU terrorist ~~training~~ camps.

Detainee: No, I never did that; I never did any of it in Afghanistan or Tajikistan. I never did any training. [redacted]

3.a.4. While in Afghanistan, the detainee stayed in a safe house owned by the Libyan Islamic Fighting Group (LIFG).

Detainee: No, I have seen Arabs here, in Cuba, I have never seen Arabs before in my life. In twenty-five years of my life, when I was twenty-five years old, before they brought me here, I never seen Arabs before in my life.

3.a.5. The Libyan Islamic Fighting Group (LIFG) appears in the United States Department of Homeland Security, "Terrorist Organization Reference Guide."

Detainee: I have heard about this group here. Two days ago, my P.R. told me about it. Before that, I never knew such a thing existed, the Libyan Islamic Fighting Group.

3.a.6. The Libyan Islamic Fighting Group, a listed terrorist organization with black market contacts, reportedly is used by al Qaida to obtain travel documents.

Detainee: Which group was that? I just heard about it from you. I didn't know what you are talking about.

3.b. The detainee participated in military operations against the United States and its coalition partners.

3.b.1. The detainee made a conscious decision to fight with the Taliban.

Detainee: That's not true. I never made that decision. I never supported the Taliban and I'm against their laws and rules.

3.b.2. The detainee participated in fighting between the Taliban and the Northern Alliance.

Detainee: I am [redacted] years old, and so far I haven't seen any war. I never picked up or touched a gun. I never have been hurt by gun or by war.

Detainee: Is she a judge? Are you a judge? (Directing this question to the Tribunal President)

Tribunal President: No, I'm a Tribunal Military Officer. This is not a court.

Detainee: I have a question for this Major.... (Referring to the Recorder)

Tribunal President: You will present all of your questions to this Tribunal team.

Detainee: That's fine. (Still facing the Recorder)

Tribunal President: That question still needs to come to us.

Detainee: This young lady, with five or six accusations, I would like to ask you, where did she get all this information? Does she have any proof?

Tribunal President: The Government is presenting this information to this Tribunal.

Detainee: At least if one of these had evidence, if it was true, people could read. What she said, I have been in Afghanistan for approximately one year and seven months. I had a wife, I had a mother, I had two kids to support, and you're telling me that I did all these findings, and I was supporting and cooperating with all these groups. I mean, who would give the time? Who will get the time to take care of his family and fight? I have to work there to support my family. These things are kind of funny because if at least one of them were true then somebody could believe in them. I still don't know where you got that information. How would I have divided my time? To work, support my family, and at the same time, get military training, terrorist training, and go to war; logically, it's impossible. It wasn't up to me to go to Afghanistan. I don't take any responsibility for going there. I know that Afghanistan is a horrible place. While I was there, I was busy selling and buying sheep and chickens that would support my family. I'm not guilty of going to Afghanistan. The government of [redacted] lied to us. They are responsible for us, and they kicked us out of [redacted] and sent us to Afghanistan. They forced us to go.

Tribunal President: Does this complete your statement?

Detainee: At this point, yes, but, I would like to talk more about these allegations.

Tribunal President: We will ask you some questions.

The Personal Representative and the Recorder had no further questions.

Tribunal Members' questions

Q. When you were in Afghanistan, what was your job?
A. While I was in Afghanistan, I was buying and selling sheep, chickens and goats in the city of Sheberghan, in the provinces of Meymaneh, and Aqchan. Between these cities and provinces I would bring my trading business. I also went to two more places, Mazar-E-Sharif and Kondoz.

Q. Did you live around other people from [redacted]
A. No.

Q. Did you associate with anybody that was a member of the IMU? (Islamic Movement of Uzbekistan?)
A. No.

Q. In reading your statement, I see that part of your trip was made by helicopter. Were there any soldiers on that helicopter?
A. Yes. There was a Russian general, with security guards, and Russian soldiers that were working on the border. They were there also.

Q. Why do you think you were sent to Afghanistan?
A. They didn't tell us in the beginning. In the beginning, they told us that the Foreign Minister of [redacted] had said that we can come back to our country and that they aren't going to put us in jail. There will be some work for us and we thought what they

said was true. But, instead of taking us to [redacted] they just brought us to Afghanistan. They fooled us.

Q. Did they force you to get on the helicopter?
A. Yes. Nobody can complain over there. It was like a desert. At the border, it was like a desert. There was a military building, and Russian soldiers. We didn't have much of a choice because if somebody complained, there were soldiers there that could've killed us.

Q. Is [redacted] Muslim country?
A. Y[redacted]

Q. How would you describe the government of [redacted]
A. [redacted]

Q. I'm trying to figure out why he says his brother was jailed once for growing his beard long and going to a mosque. Why would he go to jail for growing his beard long, and going to a mosque?
A. I was in the military service at that time. I did not witness this. My cousin came to meet us there. After my cousin told me that my brother was in prison for growing his beard and going to a mosque, they freed him. He was in jail for one week. They just questioned him and then they released him. The government asked him why did he grow his beard and go to the mosque. They punished him a little, and then they let him go.

Q. Does the government dislike Muslims?
A. [redacted] is Muslim.

Q. You said you went to Tajikistan; you left [redacted] to go to Tajikistan?
A. I didn't leave [redacted] I went with my brother to Tajikistan and I lost my passport over there, I have no way of returning back home.

Q. Why didn't you go to the [redacted] Embassy and get it replaced?
A. Well, actually, in Tajikistan, the area where we were, there wasn't an embassy. It's very hard to go contact the embassy and get a passport. Usually they don't give passports to anybody. In Tajikistan, every city or province is located like in the mountains. I had no way of going to the embassy and replacing my passport. I was packing in Tajikistan about four months and the United Nations hospital. Without a passport, being there in the hospital, you can't travel, and you can't travel anywhere in Tajikistan. I wanted to go back to [redacted] but I couldn't without a passport.

Q. Ok, I read this to say that someone, an [redacted] official, somehow conveyed to you that it was okay for you to return back to [redacted] is that right?
A. That's true. I heard it over the radio, television and the [redacted] advertised it and told all the refugees. He invited all [redacted] back from Tajikistan because they couldn't cross the border without a passport. He promised us that he's not going to put us in jail, and he was going to provide us some jobs.

Q. But when you tried to go back to [redacted] overnment caused you to be sent to Afghanistan?
A. That was the government of Tajikistan who sent us to Afghanistan. This is how it was. When I was in Tajikistan, somebody, some official from Tajikistan government, came and told us that [redacted] Send all [redacted] refugees back to [redacted] and we aren't going to put them in jail. That person lied to us, and we beli[redacted]

Q. Why do you suppose that Tajikistan wanted to send you to Afghanistan rather than send you home?
A. This is a big headache for myself. I still don't know why they did that, and I still don't know why they told us they are going to send us back home. Instead, they send us to Afghanistan. Its bothering me a lot too.

Q. Where did they first leave you in Afghanistan?
A. It was in the desert, the other side of the border. There wasn't any houses, or anything; I don't know the name of that area.

Q. Did you think about trying, once you got in Afghanistan, to go back to [redacted]
A. I tried twice.

Q. What happened?
A. Once, while I was in Shebergham, I asked the Afghan [redacted] over there, is there any way for me to go back to my country, [redacted] They told me there's only one way to go from Afghanistan to [redacted] From that city of Shebergham, through the country of Turkmenistan. But you need to have a passport to cross through immigration. I didn't have a passport, and nobody would give me an Afghan passport because I was from [redacted] and nobody would give me a Turkmenistan passport. So, I was stuck there.

Tribunal President's questions.

Q. I'm still not clear as to the reason you lef[redacted]
A. My brother is four years older than me, [redacted] I was at my home with my brother, when [redacted] called me. I was in my village called [redacted] He asked me what I was doing and have I gotten married. I said no. I [redacted] ice in the Army and I'm planning on getting married. He asked me to come to [redacted] the [redacted] to meet him over there. There was a big bazaar, called World Market; he called me to come over there. He told me to come over there; he was going to give me some money so I can get married, and buy a car. Six hundred dollars, that's what he told me he was going to give me.

Q. So you went to [redacted] and then what happened?
A. He told me in the city of [redacted] that we got to take some products and go to Tajikistan to make some money. The Tajikistan guards have some very nice apples. We are going to buy some apples from Tajikistan and go to Russia and sell them over there. In order to make the money, he took me with him to Tajikistan. He said he must meet some of his business friends over there in Tajikistan, and there is where I lost my passport. I didn't know if my brother took it, or somebody else stole it from me. I was sleeping and I woke up in the morning I couldn't find my passport. I had three documents with me. I had my military identification card, I had a regular identification card, and I had my passport.

Q. Are all of those lost?
A. Yes, somebody took it during the night. At least if I had one of these I.D's from one of these three documents that I had with me, I could go back to [redacted] But, they took all of them from me.

Q. How did you get into Afghanistan without a passport?
A. Our trip had been arranged by the Tajikistan government. They brought a bus; they asked us to get on it. We believed in that, and I don't know how they are going to send us over there.

Q. So, when you got to the Afghanistan border, they didn't stop the bus and ask everybody to show some type of I.D. or a passport?
A. Actually, the Tajikistan Government was happy to get rid of all the refugees because of all these hungry refugees used to come to Tajikistan. They were trying to clean Tajikistan. There are policemen there, they were all happy that we were leaving their country. They gave us food; they were so happy that we had to go to Afghanistan. They provided us food and they were very nice to us.

Q. But, that's not answering my question. Why would Afghanistan allow you to come in to that country without passport or identification?
A. In Afghanistan, the government doesn't have any control over the borders. There's nobody there. It's deserted. There's no trees, no people, and there are no houses. There wasn't even a bird there, nothing.

Q. And you said you arrived in Afghanistan in 1999?
A. November.

Q. November 1999?
A. Approximately.

Q. Okay. So, you'd spent two years, when were you captured?
A. No, one year and seven months. Approximately.

Q. When were you captured?
A. It was 2001. I'm not sure.

Q. Was it cold or warm, summer, spring?
A. October, I think. October 25th.

Q. Where were you captured?
A. I was given to the Americans in Bagram AB. That's what they told me, it was Bagram.

Q. Where you in the city of Bagram? Where exactly were you captured?
A. Nobody captured me. I voluntarily came to Bagram AB. There was a soldier there, [redacted] These people brought me to Bagram AB.

Q. Why?
A. Those people told me that we are going to take you to [redacted] They told us, there's a new government in Afghanistan, the government of Karzai. Since you are immigrants from Tajikistan, the new government will give you a new identification card. They told me they were going to take us somewhere in Kabul or close to there. Once we arrived at Bagram AB, they told me where I was, and they told us to get out of the car. There, I saw American soldiers. They just took me inside, they questioned me, and they kept me for a few days. I've been detained since then.

Q. You indicated at one point that you were in the hospital, why were you in the hospital?
A. I have a [redacted] I have [redacted] (The detainee answers this question in clear English.)

Tribunal President: You speak English?

Detainee: Yes.

Tribunal President: A little bit? [redacted]?

Detainee: Because of that disease, I was in U.N. hospital in Tajikistan.

Q. Had any of the fighting begun by the time you volunteered and turned yourself in?
A. There wasn't any fighting. All the fighting was over by then. The government of Karzai was established by that time. It was a new government.

Q. The U.S. had not started bombing in the Kabul area?
A. That was over, and everything was in American control then.

Q. You indicated, when you were answering the allegations in the unclassified summary, that you were fighting against the IMU. Why were you fighting them?
A. I wasn't fighting. [redacted] In our country, [redacted]

[redacted]

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[redacted] and Afghanistan. [redacted] We have commanders, they taught us, and I heard of IMU over there. They taught us that there's a group over there, they might attack us, [redacted] I was doing my job. [redacted] and Afghanistan. [redacted] over there. [redacted]

Tribunal President: That's all the questions I have, does anyone else have any more questions?

Detainee: I have one question, that you haven't answered. Again, I would like to know where the Recorder got her evidence of all those accusations. They are not true.

Tribunal President: The government provided the information to the Recorder, and the Recorder is just presenting it for the government. We don't know exactly where it came from at this point. If you remember earlier, the Recorder indicated that she had classified information for us. It's our responsibility to consider your information, your comments, your statements, as well as the government's information.

Detainee: I'm a little person, of course, it's your job and you will make the decision. But, I'm just wondering about these five or six allegations. At least, if one of them were true, it wouldn't have been so funny. But, all of them are so wrong. Practically nobody will have the time to run the family and do whatever you're telling me that I did.

Tribunal President: Do you have any other comments?

Tribunal President: Personal Representative, do you have questions?

Personal Representative: Yes, a point of clarification is [redacted]

Detainee: [redacted]

Personal Representative: That needs to be corrected on the detainee's statement.

Tribunal President: I see. Okay, thank you.

The Tribunal President confirms that the detainee had no further evidence or witnesses to present to the Tribunal. The detainee has a question about the process.

Detainee: Where are going to send me, exactly?

Tribunal President: Is [redacted] your country?

Detainee: But my mother, my wife, and my two kids they are not in [redacted] They are somewhere else.

Tribunal President: Where are they?

Detainee: They are in [redacted]

Tribunal President: Ok, we'll take note of that. We don't make the decision of where you need to go, the government makes that decision, but we will take note. If I understand you correctly, you're requesting to go to Saudi Arabia?

Detainee: No, I don't want to go to [redacted]

Tribunal President: Where do you want to go?

Detainee: I want to go to the United States. First, I want to go to the United States, that's my first wish. But, if the United States won't let me go there, then I would like to go back to my country, [redacted]

The Tribunal President explains the remainder of the Tribunal process to the detainee and adjourns the Tribunal.

AUTHENTICATION

I certify the material contained in this transcript is a true and accurate summary of the testimony given during the proceedings.

[redacted]

Colonel, United States Army
Tribunal President

ISN [redacted] Statement

I was in the [redacted] Army for two years. After I left the Army I told my [redacted], who was a businessman, that I wanted to marry. He said he would give me $600 US to get married and buy a car. He said that he needed to go to Tajikistan for business and to collect money and that I should go with him. I left [redacted] with my [redacted] to sell some [redacted] products in Tajikistan but I was tricked. My [redacted] was running from [redacted] and took my passport so that I could not return to [redacted]. He didn't want the [redacted] government to arrest me as a hostage to get my [redacted] to return to [redacted] and face arrest. My [redacted] was jailed once before in [redacted] for growing his beard long and going to a mosque.

Around 1999 I immigrated to Afghanistan from Tajikistan along with about 200 [redacted] families. A "big boss" came to where I lived in Gharum, [redacted] in a car from Dushanba, the capitol of Tajikistan. He said that the Foreign Minister of [redacted] would not jail them if they returned to [redacted]. I believed him so my wife, mother and I went with him in his car. He took us to another place in Gharum where there were about 200 other [redacted] families. Then we were transported by bus 1 ½ to 2 days to a Russian military compound in the desert near the border where a high-ranking Russian general was waiting. Using a boat and later a helicopter when the boat broke down they transported all 200 families across the River of Amu. At that time we thought we were going into [redacted] but when we all got on the other side of the river the Tajik person said we were now in Afghanistan and were on our own because Tajikistan was cleaning house of [redacted] immigrants. Many argued with him because we did not want to be left there. The man threatened to kill us if we didn't stop complaining. We had no weapons. I think we were in [redacted] area of Afghanistan.

Two days later a Tur Kmani man found us and warned us to get away from the border and head into the villages for safety because of the Afghan war. They did and after a day walking we reached the nearest village, Tur Kmans. We stayed there five days and cars from Afghan [redacted] came and took us to the city of Kundoz where we got lots of support from their hospitality. There was an older man in our group called [redacted] who made the decision to move to Mazar-e-Sharif because there are lots of [redacted] there. Once there, we were allowed to stay in some vacant houses in the Said Abad area of Mazar-e-Sharif. We were told we had to conform to certain rules – let our beards grow, go to mosque five times a day – or we would be punished. I missed a few morning prayers and was punished. I argued with [redacted] about their rules and refused to follow them. He said that if I did not follow the rules I would go to jail or have to leave. I chose to leave. I left my wife and mother and went to Shebergam because of the number of [redacted] people there to set up a place to live and find work. Shebergam is the headquarters of General Dostum, an Afghan/[redacted] warlord who fought against the Taliban. I got some money from the [redacted] and I started buying and selling sheep to earn money.

I inquired about going back to [redacted] but had to travel through Turkmenistan and I needed a passport. I went back to Mazar-e-Sharif to visit my wife and was confronted by [redacted] who wanted to know why I came back. I gave my wife some money and went back to Shebergam. Six months later I had a place and went back to Mazar-e-Sharif to get my wife but all the immigrants were gone. I heard they were taken to Kabul so I went there. I spent two months looking for them in Kabul and eventually heard they were taken to Lugar. I went there and found them but wasn't allowed into the camp. I explained that my wife and mother were there so they let me in but I had to leave by 12 o'clock. I didn't and [redacted] confronted me again, suspecting me of being a spy. I believe the IMU was supporting the immigrant camp at Lugar. [redacted] told me to take my [redacted] and leave. We started the journey back to Mazar-e-Sharif because it was now under the control of General Dostum [Northern Alliance.] But my wife was seven months pregnant so she could not complete the journey. I left her with my [redacted] in [redacted] and I continued on toward Mazar-e-Sharif to get established and would later come back and get them. Because

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of fighting I wasn't able to get through to Mazar-e-Sharif. I stayed in a hotel for 1-2 months waiting for the fighting to stop so that I could get through. One of Dostum's generals came to the motel and questioned me. I told him I wanted to see Dostum in Mazar-e-Sharif but I was told he is too important now and could not see me -- he was in Kabul. Instead he would take me to the new governor of Mazar-e-Sharif. I got into a military car but instead of going to Mazar-e-Sharif the car turned toward Baghram Air Base and took me to Gen Fahim. At the Air Base U.S. forces surrounded the car. I was interrogated and detained and have been since.

Exhibit D-b 2 of 2

Detainee's Unworn Statement – ISN 260

When the Tribunal President asked the Recorder if he had any witnesses to present, the Detainee stated that he had requested witnesses. The Tribunal President advised that issue would be addressed shortly and the question was directed at the Recorder. After receiving the unclassified evidence from the Recorder, the Tribunal President addressed the Detainee.

Tribunal President: The Personal Representative indicated that you did not request any witnesses.

Detainee: I told the Personal Representative that I have seventeen people that can be my witnesses if it is necessary and she could pick any one of them. I didn't want to bring them here and have them sit for five or six hours. That's what I told my Personal Representative.

Tribunal President: We understand your request. We do not need any witnesses, as a Tribunal.

Detainee: You mean you don't need my witnesses right now?

Tribunal President: We don't find it necessary to pick any of the seventeen to provide us information. As I mentioned earlier, you have the opportunity to call a witness to provide specific information to us about your case. Prior to this hearing you did not specify a witness and I would like to proceed with the hearing at this point. I'll ask one more time. Do you have a specific person you want to be here today to provide testimony?

Detainee: It doesn't matter. If you pick one of the seventeen people, they can be my witness.

Tribunal President: We don't have a reason to pick any of them. This is your decision and I understand that you do not wish to pick one.

Detainee: If it's not necessary, I don't need one because I'll answer all of the questions truthfully.

Tribunal President: After we receive all of the evidence, we may determine that a witness will be necessary, and we'll decide that later. Additionally, this panel only knows what you know. We have only this information [Unclassified Summary of Evidence]. We have not seen any of your file, but we may see it later. At this time, this is all we know.

Detainee: Okay.

The Detainee was sworn.

At the request of the Detainee, the Personal Representative read each allegation and the Detainee's answers to the Unclassified Summary of Evidence. The Detainee will add information as he deems necessary.

- **3(a)1 The Detainee traveled to Jalalabad, Afghanistan from Pakistan in 2001.**

  Personal Representative: True.

- **3(a)2 The Detainee went to Afghanistan in October 2001 to receive training.**

  Personal Representative: No, I did not go for training.

  Detainee: When I was in Pakistan, I was trying to do business and make money so I could travel to Canada or another country. That's why I was in Pakistan. In Pakistan, the people are very poor and business is not good. When I was in Pakistan I couldn't make money and other [redacted] people said I could go to a place in Afghanistan that would take care of me if I had problems.

  Also, I was afraid to go back to [redacted] because they would torture and punish me. That's when I decided to go to Afghanistan and stay there. Not for the training.

- **3(a)3 The Detainee traveled from Jalalabad to a [redacted] camp in the Tora Bora mountains and stayed there for approximately forty-five days.**

  Personal Representative: True.

- **3(a)4 [redacted] groups in [redacted] have formed ties with Al Qaeda and other Islamic terrorist groups and [redacted] two principal militant [redacted] groups are the [redacted] and the [redacted].**

  Personal Representative: My understanding is that all the [redacted] work toward the movement for [redacted] independence and I do not believe they are doing anything beside that. I do not believe [redacted] groups have the ties to Al Qaeda or any other Muslim terrorist groups.

  Detainee: They are blaming us [redacted] for having ties with Al Qaeda or some international terrorist groups those organizations. We shouldn't be accused of this. I don't believe it because our only problem is with the [redacted] government. They've been torturing and fighting us for hundreds of years.

  In my country some betray the [redacted] people and work for the [redacted] government. Besides those people, all the [redacted] will try to use their own natural resources so their own people are happy, rich and peaceful. That's all they want.

  [redacted] after the U.S., is the second most powerful country in the world. They are using our natural resources to make themselves richer and smarter. All the natural resources we have make the [redacted] smarter, richer and more powerful.

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Enclosure (3)
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I believe all the [redacted] in [redacted] and in other places in the world are trying to do something to get back our country's independence from the [redacted].

The rest of the allegations concerning Al Qaeda; I don't believe the [redacted] are involved in this.

You've been saying Al Qaeda and Taliban are militant, terrorist people, but I don't know about Al Qaeda or the Taliban. I've never heard of them. I heard about them here. I don't understand those people or what they do, but I think you understand those people better than I do. I heard from you and others here that those people like to disturb world peace, try to make trouble, and do bad things to other places.

I heard from you guys that most of the Al Qaeda people are Arabs. Those Arabs have their own country and they can live wherever they want in their own country. They are free to do whatever they want. I do not understand why they are causing trouble and making a mess for the world.

I hear that those people have a little problem in their brain; it doesn't work properly.

All of the [redacted] people's goals are clear and simple. All they want is to get our from the [redacted] and we want to live like any other country around the world. We want to live in peace, eat good, live good, dress good and be happy in peace.

- **3(a)5 The [redacted] is listed in the U.S. Department of Homeland Security Terrorist Organization Reference Guide, as being one of the most militant groups, and has financial and training ties to Al Qaeda.**

Personal Representative: No, I'm not a part of the [redacted]. I left home for business. My understanding is that every single [redacted] does something for the movement so they can help their country.

Detainee: This is the first time I'm hearing that there is an [redacted] but all the [redacted] are Muslim people. The [redacted] people living in the United States are Muslim and so are the [redacted] in Germany and [redacted].

Myself, I wasn't a member of any party and I don't understand any party or any organizations. Our people, anywhere they stay, are still trying to free all the [redacted] people from the [redacted] government. It is clear that all they want to do is get rid of the [redacted] government and be their own, independent country and live in peace.

I'm hearing all of the accusations that I've been involved in this and that and it's new to me right now. I do not believe the accusations about the organizations and I also believe that the smart [redacted] leaders know if they have associations with all of those terrorist organizations, which are against the whole peaceful world, then the whole world would be against us. They would understand that if we had ties with them that our goals will disappear and will never happen.

- **3(a)6 While in the Tora Bora mountains, the Detainee learned how to "break down" the Kalashnikov.**

Personal Representative: Yes.

Detainee: When I arrived in Afghanistan all of the people had a problem with going back into the country because they are all afraid that the [redacted] government will torture or punish them. Nobody wants to travel all over the world and not be able to go back to their home country. Everybody wants to go home because they have their family there, but I can't. That's the reason I can't go back to [redacted]

In Afghanistan, the people were saying that if there was a chance, and as much as we could, we would fight the [redacted] government. I decided to participate because it's my country and I want to provide my personal beliefs. Everyone wants to go home and stay with their whole family.

I wanted to back because I want to free my country. I trained on how to use the Kalashnikov so if there was a chance, I could fight back against the [redacted] government.

- **3(a)7 The Detainee was in the Tora Bora mountains when the U.S. bombing campaign occurred.**

Personal Representative: True.

Detainee: If I wasn't there, I wouldn't be in this prison and I'd be at my house.

- **3(a)8 Pakistani soldiers, while fleeing Afghanistan into Pakistan, captured the Detainee, along with other [redacted] and Arabs.**

Personal Representative: Yes. We fled into Pakistan and were fed by the local people. They took us to a mosque at night, and there were a lot of people in the mosque. Ten percent of the group would go outside and then would be put into a car.

Detainee: Not ten percent; ten people in each [group]. I told my Personal Representative, but I'd like to tell you this story.

When we passed through the border, the local people came and fed us and then in the middle of the night, they took us to the mosque. At the mosque, there were a lot of people, [redacted] Arabs and others as well.

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There weren't any Pakistani soldiers or anyone with rifles or weapons to capture us. When we were in the mosque, they told us to get out. We went out in groups of ten and we were taken to a car. They drove us for a couple hours and we ended up in the Pakistani prison.

We stayed in the Pakistani prison for a while, and then we were taken back to Kandahar, Afghanistan again. From there we were taken to Cuba, and we've been here almost three years now.

Tribunal Members' Questions to Detainee

Q: When you went to Afghanistan, did you go anywhere besides the [redacted] camp?

A: No.

Q: When you were at the camp, did you do anything besides learn how to shoot a rifle?

A: We fixed the old house, helped bring all the rocks, brought the water, and did some construction work.

Q: You fixed up the camp?

A: Yes.

Q: Did you take the rifle with you when you left, after you were bombed?

A: They showed me a couple times in the camp, but after that, I never saw a rifle. They told me that if I needed to use it, I knew how.

Q: Did you see any fighting in Afghanistan?

A: When the bombs started, we were scared and we ran all over. We found a cave in the mountains and were hiding in there. We found out that it was a monkey cave. We didn't see any fighting. We stayed a while and then we decided to go back to Pakistan. We were on the way to Pakistan and we saw some Arabs and we followed them.

Q: How did you find the camp?

A: In Jalalabad, a [redacted] guy took me to the camp.

Q: How did you know to look for this particular [redacted] guy?

A: I found this person from information given to me by another [redacted] guy in Pakistan.

Q: Do you remember the name of the [redacted] in Jalalabad?

A: [redacted]

Tribunal President's Questions to Detainee

Q: You traveled to Afghanistan in October, 2001, from Pakistan. Is that correct.

A: I'm not exactly sure of the date, but it was sometime in August.

Q: Did you travel to Afghanistan before or after the September 11th attacks?

A: I don't know what was happening in the U.S. I went sometime in August. If it happened in the U.S. before August, I was in Afghanistan after the attack. If it happened after August, I went to Afghanistan before the attack.

AUTHENTICATION

I certify the material contained in this transcript is a true and accurate summary of the testimony given during the proceedings.

[redacted] Colonel, USAF
Tribunal President

EXHIBIT I

Q. When you were working as personal security for Karzai were you paid?

A. Yes.

Q. So the sole reason you left was because they did not make you an officer?

A. Like I stated before, at the time we wanted to go get training. We were in [redacted] They offered us a rank after training. After training we didn't receive the rank and I moved back to [redacted] to get a job.

Q. You said you were an educated person, how much education do you have?

A. I studied nine years in the school.

Q. Any particular subject: religion, science, math?

A. The subjects were language, Pashtu, Farsi, history, geography, general science school. There are more subjects that I have forgotten.

Q. How old are you?

A. At the time I was arrested I was 23 years old, but right now I might be 25 years old.

Q. Do you speak or understand English?

A. No, I can't speak fluently and I can't understand fluently but at the time I was in school in the ninth grade they started a beginner's book for us. Very simple words were in it and we didn't continue after that.

Q. Number three says that you trained in a military camp in [redacted] and you said you did not. Were you ever in [redacted]

A. In my whole life I have never heard the name of [redacted] How come I should go over there?

Q. The HIG, are you a member of the HIG?

A. No.

Q. Were any of the camps that you stayed in Pakistan run by the HIG?

A. No.

Q. Do you have a passport?

A. What kind of passport?

happened was wrong and it affected everyone. I can't change it, but I wish I had had a chance to stop it.

Q: If you were released from the camp, what would you do with the rest of your life?

A: I made mistakes. When I left my country I felt my family didn't need me because they had money, they had everything. I wanted to find people that needed my help. I was twenty-one at the time. I was away from my family because my job was almost one thousand miles from my home. When I was away from my family, strange ideas came to my mind. I wanted to go help Muslims get their freedom. I went to the [redacted] then to Afghanistan, and got involved in all these things. I had to continue, I couldn't stop at that point. The three years I spent here was a good time for me to think about the mistakes I had made. I left my family. I think they need me to be with them. If I go back, I will stay with my family and give them advice and explain to them the difference between struggle and terrorism. I have experience now and can direct them. I don't want them cheated by someone like Usama Bin Laden, or the Taliban. I want to educate them so they think before they make any decisions. They must first care about their family and country. Then, if they want to help others, they have to find out what is happening. I shouldn't have been in Afghanistan because it was a place for bad people, good people, neutral people, everyone. Americans went there and took everybody and brought them here. I shouldn't have been in Afghanistan. I'm twenty-nine now, and I won't make this same mistake again.

Q: Originally, before you left for Jihad, you said you were working a thousand miles from home?

A: Yes.

Q: Doing what?

A: I was working in an [redacted] as a [redacted] at the [redacted]

Q: What function at the [redacted]

A: [redacted]

Q: When you went to the [redacted] and later to Afghanistan, where did the money come from to do that?

A: I saved the money when I was working. They paid well, so I had enough money to live in Afghanistan. It was all from my money.

Q: No one helped you to get money to go to…?

EXHIBIT J

[ISN 246]

Translation of witness testimony from The Administration Board of the Royal Family Council.

The Administration Board of the Royal Family Council witness that:

[redacted] *and who were an individual of the gracious Royal family that he had a good reputation and manners.*
The Administration has no lawful remarks nor criminal record for the name stated above.

With Best Regards.

Signed

[redacted]

Exhibit D-c